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EDITORIAL

The note on the prohibition in Western Germany of the practice of admitting evidence based on examination of accused persons under narcosis (see this issue, page 55) is a timely reminder of the need not only to clarify the relations between psychiatry and the law but to restate and re-affirm the respective privileges of the individual and of the state in a court of law.

Consequent on the growing development of psychology and psychiatry, criminal lawyers and penologists have for nearly forty years been confronted with an apparent dilemma: viz. how, in the administration of criminal justice, to make the greatest possible use of scientific discoveries and techniques in the fields of psychology and psychiatry without sacrificing any of the principles which, in our civilization, are regarded as indispensable to the preservation of human rights and dignity. The recognition that technical efficiency in dealing with crime and criminals, important as it is, has to take second place whenever the more fundamental values of society are at stake makes it imperative to fix certain limits beyond which we should not go in our efforts to secure that efficiency. Implicitly or explicitly, the law has tried to make those limits unmistakably clear, although the problem remains complicated enough to leave many points of detail in doubt.

By and large, one might say there are two general criteria which should be invoked by the law when fixing those limits, namely *unfairness* and *unreliability*. The application of scientific techniques in dealing with crime and the criminal should be prohibited where it would be unfair or unreliable. The force of these criteria differs, however, according to the stage of the legal process. There is an obvious difference between the stage before and after the finding of guilt; the unconvicted prisoner and the witness have stronger claims to be protected by the law than the convicted offender. Nevertheless, even for the latter there is the significant provision in the English Criminal Justice Act, 1948, Sect. 6 (6), that a probationer required

by the Probation Order to submit to treatment for his mental condition shall not be regarded as having failed to comply with that requirement 'on the ground only that he has refused to undergo any surgical, electrical or other treatment if, in the opinion of the court, his refusal was reasonable having regard to all the circumstances'. While this provision is a useful reminder of the halts which have, occasionally, to be called by the law to the application of scientific treatment, such restrictions are far more frequent in the pre-conviction stage of criminal procedure. Here, the law may uphold the human rights of the accused or the integrity of a witness, and it may prohibit certain techniques of experimental psychometry such as the blood-pressure (lie-detector) method, the word-association method or the enlistment of psycho-analysis or narco-analysis in aid of the work of the detective.

In Anglo-American law, the prohibition of unreliable evidence or of evidence obtained by unfair means finds its expression mainly in the rules that no man shall be compelled to furnish evidence against himself and that confessions obtained under duress are not admissible in evidence—principles which are safeguarded in English law, for example, by the 'Judges' Rules' of 1912 on the procedure to be followed by police officers when questioning suspected persons. In most of the North American Constitutions these principles are embodied in one form or another. While their primary historical object was, of course, to do away with cruel 'third degree' practices, some of these Constitutions are so widely formulated as possibly to include the prohibition also of certain scientific techniques. Under the Louisiana Constitution, for example, 'No person under arrest shall be subjected to any treatment designed by effect on body or mind to compel confession of crime.' On the other hand, some American Courts, such as the Supreme Court of Pennsylvania in 1939, have declared confessions obtained by the use of the 'lie-detector' as admissible, and Professor John Wigmore, the distinguished author of the American standard work on Evidence, takes the view that if a state were reached where the trustworthiness of a confession obtained by scientific methods, such as hypnotism or the use of scopolamine, would be unanimously accepted by experts, it would have to be admitted by the law. This, however, takes into account only the criterion of reliability, and disregards that of fairness.

With regard to Soviet law, it is pointed out in an article (see 'Abstracts' Section below) that, in view of its recommendation by Soviet psychiatrists at the Nuremberg Trial, the use of narco-analysis is apparently accepted in Soviet criminal proceedings. On the other hand, Professor Heuyer in his interesting paper, referred to by our contributors, expresses the opinion that narco-analysis, together with psycho-analysis, is entirely rejected behind the Iron Curtain. In this connection, it may also be noted that, according

to Heuyer, none of the French experts who took part in the debates in the post-war years has ever advocated the use of narco-analysis to extract confessions (in his view, a confession could, anyhow, never be extracted from a prisoner determined not to confess), but solely for diagnostic purposes and with stringent precautions to safeguard professional secrecy.

Turning to the psychiatric aspects of the problem, it is pertinent to recall here the crisis which confronted Freud during his researches on the unconscious factors in hysteria and other psycho-neuroses. In the course of his earlier investigations of these conditions Freud had discovered apparently convincing evidence of the existence of sexual traumata occurring during childhood. These had, it seemed, been repressed but had subsequently led to the formation of neurotic symptoms. Further investigation showed however that, although many of these alleged experiences had actually taken place, the occurrence of others could not be substantiated. Nothing daunted by this discovery, Freud continued his investigations and arrived at the conclusion that, other conditions for the formation of symptoms being operative, unconscious phantasies could, by producing traumatic conflict, lead to the formation of symptoms. This is a conclusion which has been amply confirmed by evidence obtained from the study of a variety of mental disorders, to say nothing of the dream life of normal persons ; it might indeed have been inferred from the phenomenon of false confession, where individuals often of a neurotic type confess to crimes they have never committed. Apart therefore from any issue of professional or social ethics, the plain fact is that, regarded as evidence, data obtained under narcosis are extremely unreliable and can never be made the basis of reality estimations. They are just as inadmissible in court as 'what the soldier said' or any other form of hearsay evidence, to which in fact they have a close affinity.

But the fact that the method is subject to gross error does not dispose of the matter. It raises in an acute form the issue of professional secrecy. At present the medical expert subpoenaed to give evidence can formally refuse to break his professional oath but when, on the direction of the judge, his objection has been over-ruled, he is under obligation to communicate information acquired under professional seal. The situation of the psychiatrist employing narcosis, or hypnosis or analytical techniques during either consultation or treatment, differs not only in degree but in kind. He may be in a position to communicate to the Court information of which the patient himself may have been unaware at the time of examination or which, had he been aware of it, he would certainly not have communicated save under conditions of *absolute discretion*.

This is an issue which must sooner or later be openly deliberated by legal authorities acting in conjunction with the ethical committees of various

medical organizations. Indeed the whole code of medical discretion requires re-examination in the light of changing professional conditions. Particularly in the case of the psychiatric examination of accused persons the position of the mental specialist is becoming extremely ambiguous. As State medicine develops there are bound to be an increasing number of occasions when the physician has to decide whether his operative allegiances are to the community or to the individual. The privacy of medical records is a case in point. A dozen and one medical organizations both military and civil now keep the most elaborate records regarding the personal health and private affairs of those who come under their supervision. Most ambiguous of all is the position of those medical specialists attached to various types of penal institutions who, as servants of the law, may be called on to bear witness as to fact before as well as after the verdict on an accused person.

It is sometimes argued that if the individual offender may invoke specialized psychiatric help in order to mitigate sentence, the State is likewise entitled to exploit the resources of psychiatry to establish the guilt of an accused person, in the same way as it now exploits the most refined chemical tests in order to convict a poisoner. But apart from the fact that in the former case the psychiatrist is concerned to establish, not the prisoner's guilt but the state of mind of the guilty prisoner, the right of the State to use as evidence data acquired from prisoners who have first been rendered totally unconscious and then roused to a state of partial consciousness in order to answer questions is challenged by the counter-assumption of the law that an accused person is entitled to defend himself against any charge on the understanding, of course, that if he lies he may have to stand the additional charge of perjury. This argument in favour of accepting evidence from a narcotic seance might equally be advanced in favour of using either physical or mental torture to obtain evidence against the tortured. As has been pointed out, the ethical sense of civilized communities, which is at the same time the soundest basis of the law and the most effective protection against its abuses, has laid it down that accused persons must not be intimidated or subjected to duress in order to obtain evidence of their guilt ; and no plea of scientific method can be allowed to obscure the fact that obtaining evidence by the induction of narcosis is in principle no different from application of the ' third degree ' or of any other forms of duress, not excluding the trial by ordeal. The psychiatrist as citizen is subject to the laws of the land ; as a mental specialist he is subject to codes of professional ethics ; as an expert witness he is subject to the laws of evidence ; it is no part of his duty either to give scientific cover to the methods of the Star Chamber or to act as a common diviner.

THE RESIDENTIAL TREATMENT OF JUVENILE DELINQUENTS IN APPROVED AND OTHER SPECIAL SCHOOLS

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It is logical before considering methods of treatment to study the material to be treated and the methods by which this material is selected. For this purpose the two rather artificial categories 'Internal' and 'External' may be used.

INTERNAL FACTORS AND DELINQUENCY

Workers in child-guidance clinics sometimes maintain that juvenile delinquency differs very little from the other problems not technically labelled delinquent. Such a generalization reflects the confusion due to the non-clinical nature of the term 'delinquency'; possibly also a lack of understanding of the real nature of chronic offenders; or again the fact that the more seriously delinquent cases may appear in the courts rather than in the clinic.

Too little is known of the alternatives to the delinquent response, but even those delinquents who, following the classical pattern, react 'outwardly' to their difficulties do so in entirely different ways. Thus antisocial behaviour is sometimes an almost 'laudable' rebellion against obvious injustice or faulty handling and may represent considerable strength of personality; on the other hand, some of the children have very poorly integrated personalities, are not in close touch with reality, and are apparently at the mercy of their impulses.

The history of criminology has shown a recurring tendency to establish fundamental differences between criminals and non-criminals. Lombroso supported the view that criminals belonged to a separate, degenerate group recognizable by anatomical characteristics, a view which would lead to pre-determined forms of treatment or to therapeutic nihilism. Following the fruitless monistic phase came the multiple-factor theory which once more related the delinquent to his fellows and, in the case of juveniles, made it difficult sometimes to distinguish the delinquent from the general run of problem children, who show very similar causal factors and reactions. After the description of harmful factors in the immediate environment came the realization that the effect of a given influence depends not only upon its intensity but upon the state of the individual at the time—upon his maturity, experience, and capacity for reacting and for making defences.

This view has led to an increased attention to the early phases of the delinquent's development.

Aichhorn (1936 (*a*)) referred to a 'predisposition to delinquency', Carr-Saunders, Mannheim and Rhodes (1942) to a previously existing 'susceptibility', Alexander and Healy (1935) to an 'earlier emotional dissatisfaction in the family situation'. Friedlander (1945) has studied this state of latent delinquency which she called the 'antisocial character'. She differentiated it from neurosis and classified various types of delinquency according to the proportion of neurosis and character distortion (1947). These views help in understanding the common characteristics of delinquent children; their apparent cheerfulness, their absence of guilt, their aggressiveness and impulsiveness—findings which are in contrast to the unhappiness, bewilderment or withdrawal of many non-delinquent states of disorder. Personality distortions due to early emotional trauma were described by Lowrey (1940), Goldfarb (1945), Bender (1947) and Spitz (1945). Such cases were also observed by Bowlby (1946) and significantly correlated with delinquency.

On these considerations it has been held that delinquency resulting from neurotic conflict, a relatively encapsulated disturbance, can usually be treated in the clinic without much interference with the child's school and home life; whereas the character disorder, involving as it does the whole personality structure, if severe, usually demands a residential school or hostel to allow an adjustment of the problem under conditions of freedom and understanding not to be expected at home. Such a rule is useful up to a point but exceptions are frequent. Not all infants who have suffered the classical early traumata show the typical changes in their later lives. In spite of an apparent character distortion, delinquency may not necessarily ensue even where precipitating causes seem to exist. It may be that in some cases damage has been so severe as to prevent a vigorous delinquent reaction. Some apparently mild cases fail to respond to treatment and some seriously disturbed ones do very well.

That 'predisposition' is predominantly the effect of early environmental trauma is not fully proved; there is still the probability of constitutional variations; as, for example, in the rates of maturation, in basic needs (quantitatively rather than qualitatively), in tolerance of stress or capacity to react to it, all of which at present prevents the application of rules of thumb when planning treatment or assessing prognosis. 'Predisposition' is itself likely to be a product of *early* environmental and constitutional factors. Study of the effect of early emotional traumata may have its major application in planning prevention rather than in treatment.

EXTERNAL FACTORS AND DELINQUENCY

The readiness of a community to deal with a child as delinquent is to some extent a measure of its social awareness and its confidence of being able to cope with the problem. Thus there was a large increase in the annual figures for juvenile delinquency after the reforms of the Children's and Young Persons Act of 1933 had taken effect, an increase which could hardly have been due to changes in the children or their surroundings.

The ability of teachers and parents to recognize early signs of maladjustment, and their faith in appropriate community services, will affect later delinquency figures. It is important that the Juvenile Court, and the sociological and psychological services attached to it, should not seem to be more efficient (*e.g.* in terms of length of waiting lists, power of obtaining residential vacancies quickly) than the other community services. Otherwise there will be a risk that parents who could be helped to work out a family problem at home, will be encouraged to take this easier way, and to avoid their responsibilities. Removal of the child from home sets new problems for the child and for the home. The remaining children see what might happen to them; their attitude to the parents is changed; the parents may feel guilty or may perhaps be too willing to take the same course again with younger members of the family. Administrative tidiness and decisiveness must be distinguished from therapeutic efficiency, and immediate control of the delinquent situation from real adjustment. In this connection publicity, especially by radio and television, should concern itself less with the dramas of the court, the remand home and the corrective school than with the equally interesting maladjustments which are managed at home, at school and in the clinic. In the fortnight following a dramatic television feature dealing with the juvenile courts, two mothers informed me that they had charged their children before the court because they were so impressed by 'the play'.

Parents not infrequently reveal that although they know full well the alternatives, they have chosen to bring their children to court because, whether with full consciousness of their motive or not, they wish them to be punished, or because they fear or resent the methods of the child guidance clinics. Characteristically such mothers have themselves suffered much aggression in childhood and are unhappy, guilt-laden, irritable people. They are over-concerned about their children's physical health and often combine aggressiveness and protectiveness, as when they curtail all pleasurable activities for the child. They often spontaneously say that of course they do not want the child to go away for ever, and especially not to a reformatory, but think that a period of firm discipline away from home would do

him good. I have known such a parent, who herself initiated the charge and herself asked for an approved school order, to appeal successfully against the order. She then made it even more impossible for the child to remain at home, refusing all help from the clinic and advice from the probation officer, so that recommittal was necessary. Quite commonly parents are advised to take their child to the juvenile court, even though the child is not really antisocial, or not primarily so. This is particularly likely to happen if it has not been possible to find a vacancy in a special school for educationally subnormal or maladjusted pupils.

It is clear then that the state of public enlightenment, policy and resources influences the extent to which juveniles are labelled delinquent, how they are dealt with and at what stage in their career.

THE USE OF APPROVED SCHOOLS AS PUNISHMENT

Though educational methods are likely to be most effective when applied to parents of the future in their youth, yet there is a place for an appeal to the present generation of parents, and especially substitute-parents who have charge of deprived children. It is desirable to stress the simple preventive methods depending upon the basic needs of children in their early years, and to keep the public advised of the available welfare and guidance clinics. It is necessary to replace the prevalent conception of a juvenile court as a means of punishing by a recognition of its function as a last-resort method of calling a halt to intolerable or dangerous behaviour, whether it be of the child towards its environment or *vice versa*. This controlling function of the court is concerned with the *future* in preventing possible danger or damage; it must be clearly differentiated from punitive function which is largely concerned with the *past*, viz. with the gravity of the particular offence and with retribution for it.

The only real justification for retaining a juvenile court, as distinct from all other services for children, is that the court is able to protect society as well as the welfare of the individual. It has powers, not available to other services, of supervising and controlling the individual, if necessary by removal from home. It is unfortunate that the controlling measures commonly used by the court (e.g. 'probation', and 'putting away') are not easily distinguished by the delinquent and his parents from those frankly punitive measures also used by the court (detention as punishment, fines, attendance centres); for 'putting away' may seem to them infinitely more unpleasant, and therefore greater punishment, than anything else. The confusion is not confined to the delinquents and parents, for identical methods may be used in different courts with entirely different intentions. Committal to

an approved school is sometimes frankly used as a threat or as a punishment, while in other courts the offender is helped to view it as something which must be accepted in order to obtain help and to be able to behave properly in future. This is not an academic point, for it may determine whether the individual starts at his school on the right or the wrong foot. Many of the approved school staffs resent their school being described as a place of punishment or used as a threat, for they are constantly striving to get away from this sterile concept. Further, to hold that approved schools are penal institutions maintains the diminishing but still common opinion that approved schools are necessarily unhappy places, disgraceful, stigmatized. Such a view cannot fail to reflect upon and hinder inmates and staff, and helps to produce that artificial but real entity—the 'institutional type'. Stigma will effectively be reduced by increasing the orientation of the school towards treatment, rather than punishment.

There are few experienced people who do not think that 'deterrence' is valuable and effective; but a boy or girl capable of being deterred will be just as much deterred by the prospect of a period of treatment away from home as by a period of punitive detention away from home; in other words the intention behind the measure is not an indicator of its effectiveness as a deterrent. Indeed, in view of the frequent occurrence amongst chronic offenders of an active desire for punishment, the former may be *more* effective. Whatever one's views about the usefulness of punishment upon the chronic (as opposed to the mischievous, accidental or occasional) offender, or whether one believes or not that punishment can have any beneficial effect unless applied by someone to whom the offender is emotionally attached, it is possible to state on theoretical and practical grounds that committal to an approved school is totally unsuitable as a punitive measure. For a start the committal is up to a point indeterminate and long-lasting, whereas punishments should be definite, immediate and of short duration. A child who leaves the court with an expectation of punishment will not think highly of the court when he finds later on that the régime is not in fact punitive.

Besides making a committal order to a school it should be a further duty of the court, or of its probation officer, psychiatric team or (better still) the after-care officer, to see that both the child and its parents understand what an approved school is, what it aims to do and what part they themselves must play.

OBSERVATION AND CLASSIFICATION

The foregoing considerations have, it is hoped, shown that both 'internal' and 'external' factors combine to ensure that delinquents form a highly

heterogeneous group, whatever yard-stick is applied to them. It follows that to handle them effectively proper diagnosis is necessary, and since this should include sociological and psychological considerations in the widest sense of the terms, this diagnosis should be arrived at by the deliberations of a team. Without proper observation and diagnosis, hostels and schools for problem children are likely to become dumping grounds (Rendel, 1950).

Without considering here the indications for psychological examination of the delinquents appearing in court (Watson, 1950; Scott, 1948) it will be generally admitted that if a case is sufficiently serious to raise the question of removal from home it also warrants proper investigation, to determine not only whether there should be removal but also to what type of establishment and for what type of treatment. This is what is ordinarily termed 'classification'—fitting the right individual into the right school.

There have been three methods of 'classification' (Mannheim and Spencer, 1950).

(1) Classification made in the court room by the magistrate with or without remand to allow time for a social report or a psychological report. This method has the advantage that the court is likely to use and get to know its own small group of schools and will be in the best position to maintain contact with the cases sent there; such contact being most desirable. On the other hand the advantages of centralization and the possibility of shaping any general grading of the functions of different schools would be lost.

(2) Central classification is carried out by forwarding the information available in court to the Home Office where the inspectors read up the case and, knowing all the schools intimately, select a suitable one (Paterson Owens, 1946).

Whereas in (1) the child is known better than the schools, in (2) the converse is true. The third method attempts the advantages of both.

(3) A method which now applies in all areas of England and Wales except the South-East, and in all areas for girls, is the classifying school (Gittins, 1946). After the approved school order has been made the child spends a period in such a school, which is in fact a sort of observation centre restricted to the use of children awaiting placement in approved schools. He or she is then passed on to one of the approved schools of the region, or, in exceptional circumstances, outside the region. The magistrate, however, may feel that if the child is to be investigated in the classifying school, there is no need for pre-committal investigation in the remand home; he may therefore make the order and the child may go to the classifying school only to be found unsuitable for approved school training. Knowledge that investigation follows the committal order will not encourage backward authorities to provide a proper psychological service for the

court. At one allocation meeting three out of eighteen cases dealt with were found to be unsuitable for approved school training. Members of the staffs of classifying schools say that they sometimes consider that in certain cases a child could quite well settle down at home after the period of observation instead of being sent to an approved school. Indeed, it is the experience of many who work in observation centres that a small proportion of apparently very disturbed children can rapidly recover and return home within a short period; such cases can be singled out more surely by carefully taken histories than by any other single method.

But careful history-taking demands an unhurried interview, by an experienced worker, with close relatives. The remand home is likely to be very much more accessible to the parents than the classifying school. The working mother and the elusive but psychodynamically important father are more easily induced to make a local visit, perhaps on their half-day, than to make a week-end journey to a distant classifying school. No psychiatric social worker is appointed to any classifying school, so that in most cases if there is an interview at all it is carried out by whatever responsible member of the staff happens to be on duty. It is easier for the remand home staff to know and consult with the probation officers and if necessary themselves arrange a home or school visit. The facilities of the district are better known to the remand home staff, who are in a position to classify the hospitals and clinics of their area and maintain close co-operation (even to the sharing of part-time staff) with them.

The respective backgrounds of remand home and classifying school have been compared with a view to determining which is the better for purposes of classification. It is said that in the classifying school the accent is on the approved school aspect of the problem rather than on observation. In the case of the boys' schools in every case the classifying school is associated with an established training approved school from which it may draw tradition and stability and whose resources of staff and equipment it may share. It is claimed that the aim is to fit the child to the right school and that this can obviously best be done by 'viewing' him against the background of a 'school'. It may be said however that the ultimate aim is not to fit a child to a school but to use the school in fitting the child to the community; there may be a natural tendency to judge an individual by how he is likely to respond to the approved school system rather than to judge schools by their effect on the children. It is desirable that there should be loyalty to the approved school system and a strong tradition; it is healthy too that the staff (or the majority of them) should think that there is nothing like approved school training for a delinquent. Nevertheless, if diagnosis and ordering of treatment (classification) is to be attempted, enthusiasm and conviction

must be qualified by insight and wide knowledge of the limitations of this and other methods. The success of the present classifying schools shows how well this ideal has been attained.

The background of remand homes is much more variable because they may house a hundred or more children or a mere handful. In the larger homes it is usual to find fairly rigid discipline and a highly organized régime, for the level of anxiety is high, and the group totally unselected and constantly changing. In the smaller ones it is possible to have a freer atmosphere, an easier relationship between staff and children and therefore a more effective observation. Size of the group, however, is not the only factor, and perhaps not the most important one; suitability of staff and situation of the remand home will be important, for it is observed that individual staff-members vary very much in respect of the size of the group with which they are able to keep contact; and of course a remand home in the country, away from disturbing or exciting city sights and sounds, with plenty of room for physical outdoor activities, is an obvious though not always obtainable advantage.

THE BACKGROUND FOR OBSERVATION

There are certain features about the background which facilitate effective observation.

(1) Whatever be the exact nature of the background it must be a steady one, beyond the capacity of the children to break up; and the observing team must be closely familiar with it. Thus a quarrel with staff member 'A' and an unfavourable report from the latter may have an entirely different significance from a quarrel and unfavourable report from staff member 'B'. The unstable staff member is sometimes useful rather in the manner of a chemical reagent; only if there are too many such may explosion occur.

(2) The classifying school should hold the child long enough to cover the usual thawing-out periods; and during these stages there should be as wide a variety of different situations available to the child as can reasonably be provided and intelligently observed. The simpler situations about which information is required are: (a) *Reaction to admission* and to the formalities of admission (bathing, changing, giving up possessions). (b) *Reactions as an individual*, his degree of activity, what he prefers to do, how he sets about it and with what persistence; his appearance, his mood, his reaction to success and frustration. (c) *Reactions to staff*, particularly which staff members he seems to seek out, his approach to them and demands on them. The animals of the place are useful 'staff members'; a child will sometimes trust an animal when he cannot trust a human, or may treat an animal as

he wishes to be treated himself or as he dare not treat any person. (d) *Reactions to interview*, both alone and in the presence of members of his family; formal testing and being visited. (e) *Reactions as one of a group* in a variety of work and play and free activities. Many of these situations cannot be observed in the necessarily rigid régime of a large observation centre, yet much could be done by splitting up the mass into smaller groups, by careful selection and training of staff, and of course if finance permitted, by multiplying staff.

THE PURPOSES AND LIMITATIONS OF 'CLASSIFICATION'

Whether the classification is carried out in a classifying approved school or in some sort of remand home, it may be pertinent to ask what can really be effected. The usual procedure is to spend one or several weeks observing the child, making enquiries about him, testing him, interviewing him and his people, and then collecting the data and presenting it to an allocation meeting at which the various observers are present, as well as somebody who knows the characteristics of the schools of the region (usually a group of fifteen to twenty schools or rather more in the case of girls); in most cases there are visiting headmasters or staff from these approved schools (usually taken in rotation). Now this meeting is an important and impressive business at which much information and experience is made available; but one has to remember that decisions are static, however expert the body that makes them, whereas the objects of the decisions are highly dynamic and often (perhaps always in the case of disturbed children) unpredictable. The fact-collecting and teaching functions of allocation meetings are very valuable but it is doubtful whether they are able to fix more than the first few steps of treatment. The rest must be a matter of waiting and seeing with a readiness to modify the plan or to try a new one if need be. Problem-children need a guide rather than a guide-book, they must be guided (like a child's hoop) rather than aimed (like a billiard ball) in the desired direction. This point is mentioned because it is felt that though the classifying units may be aware of it, yet some receiving schools may not, and may feel that if such an august body has chosen their school then they must make a success of the case; and that if they do not they have failed. The real value of an observation centre or classifying school is not only the decision ultimately achieved, but the recording of facts and deductions which will be available to guide the treatment at any point *in the future*. Classification will be largely wasted unless the full facts are available in the training school and unless the staff there are trained to make full use of them.

'Classification' is only the first stage of a process of investigation, and

investigation is itself the first step in treatment. The two must go on together. The file is not to be closed when the child leaves for the training school but when the child finishes its period of after-care. What is needed is continuous interest, influence and responsibility rather than static decisions.

One of the greatest services of the 'classifying' movement is the opportunity it gives for classifying and encouraging differentiation among the approved schools; for there is little point in classifying a child unless there will be a suitable school in which to start his treatment. It is important that the chairman of the classifying meeting should have sufficient understanding of the needs of the case, and sufficient administrative power, to effect a grading of the approved schools based on the needs of the children and the natural preferences and leanings of the training schools of his region.

A further function of the classifying movement is to help the individual headmaster in establishing a workable group. To explain this point it is necessary to bear in mind that there are two main reasons why children are committed to approved schools: (1) because they are felt to need the training and new influences which the schools provide; and (2) because the community will not tolerate the child and there is no other establishment willing to take him. This second reason means that the approved school system, at least up to the age of seventeen, is the last link in the chain along which antisocial problem-children may move. There tends therefore to be a proportion of exceedingly difficult cases graduating inevitably to the approved schools. Although there are provisions for mentally deficient children and for epileptic children (remarkably few for the latter) it is claimed with some justification that defectives and epileptics are not typically delinquent and that the special colonies and institutions are not equipped to deal with delinquents. There are certain children in whom constitutional or organic factors weigh so heavily as to make them inaccessible to the methods which the approved schools are trying to apply. Amongst these will be found certain impulsive, aggressive individuals whose E.E.G. records show typical abnormalities, individuals suffering from the effects of brain damage (either by direct injury or from infections), and the extremes of personality types.

The removal of some of these difficult cases, or at least their very careful and sparse distribution, would make a great difference to some of the schools—allow them to introduce more spontaneity and freedom into the daily life. It seems that some of the approved school headmasters are fully aware of the directions in which they would like to develop their schools but are prevented from doing so by three main factors in this order of importance: (1) 'Top-heaviness' (bad balancing) of the group. (2) Shortage of suitable staff (aptitude and intelligence being more important than

training and experience which can be acquired). (3) Resistance from the surrounding populace (a varying factor). It may be that some approved schools are set an impossible task.

CLASSIFICATION OF THE SCHOOLS

The range and assortment of the regional group of schools will no doubt be largely determined by the type of cases appearing from the courts (and this does seem to vary over different periods) and by the preferences and talent of school personnel and by the facilities existing in the schools. The criteria for classifying schools have in the past been age, religious persuasion and 'the character of the education and training given' (Home Office, 1947). Although these are still the main criteria, the classification has already gone far beyond this. Thus there are short-term schools, a school for boys of superior intelligence and a school for girls needing psychological treatment. Also classifying schools are taking advantage of the particular aptitudes of the schools in their region.

For reason of economy alone, the large school with its (sometimes rather blind) emphasis upon the normality of the inmates will have to remain the backbone of the system. But for those cases which do not fit into such a school, and for a few which do appear to fit in but are known to be in need of special methods of treatment, other schools will be necessary. The aim will not be to segregate entirely specific types of problem into specific schools, but this will have to be done to some extent, though not necessarily for the whole duration of the treatment period.

Those that need special provision may be considered as being of four sorts:

(1) Children who for one reason or another cannot stand the pace of a normal school and tend to 'go under' because of either physical or mental or general handicap. This group includes the very dull child and the unfortunate who seems destined to be a butt, and whose life may be a misery in a large school. It is important here to differentiate the intellectually dull from the apathetic child, for the latter may belong to group 3.

(2) Children who are so aggressive as to ruin any attempt at constructive group activity, and who have a deep need to defy authority; aggressiveness of this sort is just as destructive if only indirect and verbal as open violence. This group includes those who have a steady aggressiveness and resentfulness and those who, having very little self-control, are liable at any trifling frustration or temptation to over-react in a dangerous or disturbing way.

(3) Those few children who closely approach the classical diagnoses of psychiatry—the psychotic, epileptic, demented, etc. Difficult cases are those

which are subject to occasional psychotic episodes with normal behaviour in between.

(4) Children whose problems are concealed, who may settle, or *appear* to settle, quite readily, but who are known from the history and psychiatric investigation to be emotionally disturbed, immature or perverse; these are commonly considered 'maladjusted' or neurotic but often pass as 'perfectly normal'.

These groups clearly overlap to a considerable extent; indeed a miserable, anxious, back-to-the-wall boy not infrequently becomes a hardened aggressive youth later on. In general those of dull intelligence need a special school and very long term supervision, though dullness of intelligence is sometimes much less important than lack of social and emotional stability.

We scarcely know how to deal with the very aggressive though some progress has been made in understanding them. Psychiatrists can indicate which cases should be treated in a mental hospital or institution, and may have important recommendations to make as to the treatment (medicinal or otherwise) in the approved school. The pedagogues and psychotherapists have a part to play particularly in group handling of such problems. Criminologists could contribute along the lines of the psychopathic institution at Herstedvester in Denmark. Anthropologists may help us to wait patiently for the changes of maturity! It may be that for the moment some of these mentally lame individuals will need a degree of outside control for most of their lives.

Neurotic types, if they must be away from home, need a tolerant, firm background capable of absorbing the reactions and providing for the needs which psychotherapy releases. Such neuroses merge with the character disorders, products of faulty influences in early childhood, and with the multitude of behaviour-disorders which stem from disturbances in the parent child relationship. The need here is for the life of a stable family (relationship-therapy in a family-like setting). The size of such a family group matters very much less than its composition, and less than the sort of person in charge. The younger the group, the more necessary it is that it should be small. For active pre-adolescents and adolescents there is some evidence that thirty or forty is an optimum number, for if the children are to be socialized there must be a vigorous society to work with inside the school.

APPROVED AND 'MALADJUSTED' SCHOOLS

It seems that, while the larger approved schools resemble ordinary boarding schools, the main differentiations or specializations will be into schools for the very dull, and small-group schools for the difficult cases. These

small-group schools will inevitably resemble the present schools for mal-adjusted pupils. Since the clinical material is similar, it is doubtful whether there is really any justification for maintaining two separate type of schools. It matters little that one should be called an approved school, and another a special school for maladjustment, so long as it is clearly realized that the task of each is similar and that lessons learnt in one may be applicable in both. It may be, however, that the general public is so hostile to its delinquent children that it *needs* its phantasy of harsh approved schools. There is no doubt at all that many of the approved schools hold children who are as much or more maladjusted than those in the schools for mal-adjusted pupils. Any psychiatrist dealing with approved school children could produce a sheaf of cases to prove this point. One observes that children of the younger age groups, being much more impotent in face of their environment, sometimes react with misery, restlessness, phobias, running away, *i.e.* with personal symptoms, and that a few years later all the fears and tension seem to have vanished only to be replaced by persistent delinquency. The pictures, though very different, clearly represent the same basic problem. Yet because of the passage of a few years one may be found maladjusted and in need of treatment, while the other is committed to an approved school to be trained.

This training is viewed by some as a sort of dipping in 'discipline'. If the first douche is not effective then the child is returned for a longer immersion. Admittedly children, like other creatures from the crayfish upwards, can have reflexes conditioned in them, even negative reflexes—*e.g.* *not* to do that or it will be followed by a painful stimulus. But, if it is true that misbehaviour is sometimes a symbolic outlet for a blocked instinctive desire, then the conditioning of a reflex will only modify the end behaviour and will in no wise influence the basic drive, which will need to express itself in some new way. Success could only follow removal of the original blocking, that which made symbolization necessary, or the strengthening of character together with encouragement of an acceptable alternative expression (sublimation). Here then discipline has only been the matrix in which other active elements of treatment operate; it can never be a treatment method in itself, and since it is restrictive and often frankly unpleasant both for the giver and receiver, there should be a constant endeavour to reduce it to the lowest possible level. Sometimes discipline *appears* to act on its own, as when removal from bad influences is required, or when time is required for the passing of a developmental phase. Yet here of course recovery might have followed in any environment which was not actively harmful.

It has been held that if only it were possible to by-pass the courts and to

admit difficult children directly to the approved schools there would be an end of the stigma and of the search for special schools for maladjusted children. In fact voluntary admission of this sort would not be a novelty even in this country. It seems to me doubtful whether 'voluntary admission' would help very much. What is wanted is greater differentiation in the approved schools, smaller groups, better trained staff, interchange of staff, sharing of staff training courses; then it will be apparent to everyone that approved schools *are* schools for maladjusted pupils. The approved school system may come to be indistinguishable at its various extremes from schools for maladjusted children, from schools for educationally subnormal children, from children's behaviour problem wards. When this can be demonstrated satisfactorily there will be no need for a struggle to obtain 'voluntary admission'.

THE NEED FOR FLEXIBILITY

To complete the list of desiderata in the development of approved schools, and in a sense to summarize it, the necessity for adaptability and flexibility must be mentioned. The variables to be faced are many. Public opinion constantly fluctuates, as does magisterial policy; the availability of staff and other essentials changes; but most variable of all is the individual delinquent himself; he often defies classification and the more he is studied the more obvious it is that one cannot always predict what will be his needs. There must also be much greater flexibility, particularly after the process of allocation. Transfer of very difficult boys, passing from school to school like a crooked penny, sometimes occurs after there has been trouble. One would like to see some of this trouble anticipated and the transfer made with the offender's co-operation. One would like to see also an *ascending* scale of transfers, so that a boy who is responding well may progress from a small group to a bigger group and finally perhaps to a working-boys' hostel on the fringe of the approved school system. One would like to see the committal order regarded as, first and foremost, a means of enforcing the first necessary and perhaps painful steps towards treatment, secondly as a means of keeping unwise parents, delinquent associates, or other undesirable environmental figures, temporarily at bay; but not so as to interfere with subsequent adjustments in the treatment.

Finally it is necessary to remember that the child himself may have very definite opinions about the moves that are made in court and classifying school and approved school; once the legal process (finding of guilt) is complete, there should be an endeavour to find out what he feels is the proper disposal. I do not say ask him outright, in case he may feel challenged and

say something he does not really mean. Moreover, having been asked a question and having given a direct reply he may, if his request has to be refused, feel slighted, or maintain that he has been fooled. Rather, in the course of an interview, his ideas of justice (often very marked), and his own feelings regarding his needs should be discovered. After all, the whole object of the juvenile court and of all its forms of disposal is to make children responsible for themselves so far as their age permits; it is therefore logical to draw their attention to their responsibility even in small things at the first possible opportunity.

Great care should be taken in the classifying school to discover the child's own preferences and to let him know what possibilities there are of gratifying them. The impressive work of Moreno (1947) shows the value of spontaneity of choice in building up the group. If a child is faced with the choice between two or more masters then the very fact of his having voluntarily chosen one will have a great effect not only on the boy's attitude to the master but on the master's attitude to the boy. It is on such relationships that the success or failure of a difficult case turns.

SCHOOLS FOR MALADJUSTED CHILDREN

Having considered the similarities between approved and special schools it may be pertinent to look at their differences.

The Régime. The schools for maladjusted pupils tend to be confused with 'free discipline schools'. Free discipline schools are easily disposed of, for they never existed nor could exist. If children, maladjusted or not, are to live together there positively must be discipline. In the special school, however, the discipline is much more likely to be at least partially handed over to the children, who as far as possible decide for themselves what is to be forbidden and apply their own sanctions. This system is an extremely valuable—indeed indispensable—tool for the pedagogue. The usual criticism of it is that the children may be too hard on one another; but in practice this has not proved to be the case. There must always be a degree of adult control in the background, though it may be very indirect and unobtrusive; if it were not necessary then the children would have no need of a 'special school'. There must always be some adult who will be capable of stepping in and putting a stop to any dangerous situation. To sum it up, one could say that in the good 'special' school discipline is always there but is recognized as of secondary importance to other treatment methods, is kept as lenient as possible compatible with communal security, and is of the democratic type. This type of discipline may exist in some approved schools but for reasons of size or imbalance of groups two other sorts of discipline are likely to be seen more frequently: the autocratic method

(usually very benign these days), and the privilege system. The former admittedly may be perfectly satisfactory for young people *who already have a well-formed character* and only need better opportunities; but for the disturbed or badly trained child the freer environment is necessary. The privilege system is useful for holding a mixed bunch of children for a short period without the intention of character training, but as a remedial method it always seems to me a failure. It lacks the conviction of the autocrat who says in effect 'these children will be normal if you treat them as normal', and lacks the courage to regard them as maladjusted. The system is in effect based on bribery and is considered a pernicious influence, the full effect of which unfortunately is not seen until the child is restored to a different sort of régime.

Type of Material. Two further points should be mentioned. First, the majority of special schools select their entrants very carefully. Private schools for difficult children do this most obviously; but the medical officers and psychiatrists of local authority schools rightly do not hesitate to reject cases which they feel cannot be helped or which would endanger the group. Some private schools with a very high reputation practice selection to such an extent that their methods cannot be assumed to be applicable to other groups. This selection is apparently intuitive in some cases. Homer Lane, seeking pupils for the Little Commonwealth (Bazeley, 1928), chose the clever shoplifting girl who had said 'I'll come along and own up if you'll let that girl go', a speech which shows considerable strength of character and loyalty, qualities not always evident in the approved school problems, and which offer an obviously sound basis for treatment.

The second point is that co-education is found much more commonly in special schools. The advantages of co-education so far outweigh the disadvantages that it seems probable that sooner or later there will be mixed approved schools in this country. Some mixed establishments when examined are found really to be no more than girls and boys in contiguity under the watchful gaze of tense supervisors. In these circumstances it would be better to have the sexes properly separated. Obviously co-education cannot be introduced without considerable risk to older, unsuitable children who are not accustomed to it. But if co-education were introduced experimentally in one of the small primary or junior approved schools so that there would be a nucleus of confident staff and children with which to start a mixed intermediate school, then progress might be made.

Methods of Treatment. It is sometimes supposed that special schools for maladjusted pupils are able to apply some special treatment not available elsewhere. In general this is not so, but special schools are able to employ a given method more intensively. One cannot help feeling that the effective

elements of treatment are the simple measures common to both.

To imply, as Aichhorn (1936 (b)) does, that unless ' the deep underlying causes ' of delinquency are uncovered any treatment can only accidentally be successful, is misleading and needlessly discouraging. It is as justifiable and profitable in this branch of therapy to use empirical methods as it is in general medicine. Besides, there is good reason to suppose that there are still deeper underlying causes than those described by Aichhorn. Fortunately children are often able to work out their problems against a sympathetic figure and in a tolerant atmosphere, without it ever being apparent just what those problems might have been. If this were not so, then every parent would have to be an analyst.

The content of a childish delirium is often most revealing, but in the great majority of cases the only psychological treatment necessary is to comfort the child by offering reassuring sounds and sights until contact with reality returns. Some acutely delinquent problems are rather like this; a change of district, an injury (particularly about the face or head), a period in hospital, a change in family grouping or tension may in quite a non-specific way precipitate trouble; there is then a tendency to the development of a vicious circle and to the discovery of secondary advantages. Simple residential treatment usually rapidly restores the *status quo* whereupon the previous history, observation, and gradual restoration to the home will show whether any longer term or specialized treatment is necessary.

Residential treatment then often falls into three stages: (1) A phase of settling down during which unfailing firmness and friendliness remove anxiety and put a child in the best possible position to mobilize what defences he has. The stormy first stage often has a better prognosis than that in which there is an easy slipping into the routine. Indeed, that initial adjustment bears no obvious relationship to final adjustment is a very important fact to be grasped, particularly by those who assess children in remand homes and observation centres. (2) A stage during which the child works through an emotional dependence upon the staff member and is handed on to the group, thereafter extending his range of activity until it is felt that the *gradual* process of restoring him to his home can commence. This stage should be paralleled by social work to correct any obvious faults in the home. (3) A stage of after-care which might usefully include in some cases the psychotherapy which the individual was formerly too disturbed to accept. This is rarely possible, for parents often say after return of a child to his home, ' he's taken his punishment ' or ' he's learnt his lesson now ', and do not realize the need for continued supervision or for a change of attitude on their own part. The special school is perhaps better placed to follow and help the individual through these stages, but it need not be so.

RANGE OF METHODS AVAILABLE

At the risk of labouring the obvious it may be worth listing very briefly the basic methods of treatment available to both approved and special 'maladjusted' schools. These can be divided into essential methods (without which a satisfactory result is unlikely to occur) and additional methods.

The essential methods or principles have all been recorded for at least 200 years (Wines, 1880), some of them for more than 2,000 years.

(1) To start as early as possible. Solomon urged this. 'Train up the child in the way that he should go and when he is old he will not depart from it.'

(2) To provide for the child's physical health and comfort. Good food, warmth, decent surroundings, are a primary and sometimes underestimated necessity.

(3) To show the child that he belongs and is valued for his own sake and *unconditionally*. Make him realize 'there is one who cares for me'. This is most easily effected if there is a family-like group with a permanent mother and father figure. The cottage system was used in 1788 by the Philanthropic Society of London.

(4) To proceed gently; Buddhist scriptures exhort teachers: 'Do not force maturity on that which is unripe.'

(5) To ensure that the workers are sufficiently stable, resourceful and well trained to know how to use affection when they have won it. There should be sufficient staff, and they should be sufficiently free from administrative duties to allow effective contact with the children.

(6) To provide fully for play and work. Bismarck said: 'You can do anything with children if you only play with them.'

ADDITIONAL PRINCIPLES OR REFINEMENTS OF TREATMENT

Undoubtedly the most important advance has been the greater understanding which psycho-analytical research has made possible. Next, and to some extent a development of this, has been the increasing awareness of the group as a therapeutic instrument. The very important principle of graded participation in government is essentially a form of group therapy. Fostering spontaneity in the children is important (Moreno, 1947). Co-education is less a discovery than a somewhat hesitant emergence from a national neurosis. It is a healthy influence and if used sensibly is a great help to the educator.

Parallel work with the parents and interchange of visits between parents and child is desirable. Guest-rooms to accommodate parents for a few days would be useful. Group methods, family interviews, parent meetings and

parent-staff meetings are as useful to the parents as they are with the children.

The application of sound psychiatric teamwork in proper observation centres is the only effective way of establishing workable groups. 'Without effective selection the educator's gifts, patience and morale will be squandered.

The more closely delinquents are studied the more widely and the further back in time do the causal factors seem to operate. It is probable that, in the future, treatment of delinquents, whether at home or in residential establishments, will include a wider range of approaches, used either simultaneously or in succession—sociological, educational, psychotherapeutic and pharmacological (*e.g.* the selective sedation or stimulation of psychophysical drives).

SUMMARY

The great variety of internal and external factors demonstrates the heterogeneity of the delinquent group. The justification and limitations of the juvenile court system, and its function in controlling rather than punishing delinquency is discussed. The optimum conditions for observation and its aims are outlined. There are three methods of approved school classification. The consensus of agreement is in favour of 'pre-committal' investigation. The ability of the classifying team to maintain a wide and balanced approach is very much more important than when and where classification should be carried out. The Classification Team collects facts, teaches, and reaches decisions. Its further possible functions are to follow and if necessary influence the progress of the individual after allocation, to be available to approved school personnel in an advisory capacity, to keep long-term records as a basis for research, to observe and classify the schools, to control the composition of the group within the schools, and gradually to differentiate and specialize the schools according to the needs of the children. The possible directions in which approved schools should develop are enumerated in relation to four types of case. The importance of flexibility and adaptability in the approved school system is stressed. Approved and special schools for maladjusted children are compared and contrasted and the three modes of discipline commonly observed in them are criticized. Three stages of residential treatment are described. The principles of treatment applicable in correctional schools are briefly enumerated under the headings 'essential' and 'additional' methods.

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... the cropped hair of the convict and the broad arrow on his dress, solitary confinement and the rule of silence, passed one by one into the background of history, and from 1922 there grew up a new conception of 'training for freedom'. It is of the essence of this conception to root out the mediæval view that the offender is cut out of the community. It must assume not only the common humanity of the prisoners and of those who have to deal with them, but also that the prisoner remains throughout a part of the community, and is not something sinister and set apart. His self-respect must not be impaired but strengthened; his sense of community in whatever is valuable and good must be restored and confirmed. He must never be deprived of hope.

MR. L. W. FOX: 'Festskrift Tillagnad Karl Schlyter'.
(Stockholm, 1949.)

THE OPEN PRISON

By A. LEITCH (BRISTOL)¹

A notable advance in penological practice in this country took place in 1936, when Mr. J. E. Henderson, then Deputy Governor of Wakefield Prison, was entrusted with the task of creating a new type of prison, for adults, without bolts or bars of any kind. The site allotted was some 200 acres of woodland; the staff, twenty men and four officers. A camp for approximately 100 prisoners was built about nine miles from Wakefield, and called New Hall Camp.

This pioneer experiment proved highly successful. As a result of his experience at New Hall Mr. Henderson was, in July, 1946, given the further task of converting the former Army Hospital hutments at Tortworth, Gloucestershire, now known as Leyhill, into a prison on lines similar to the first. It has been similarly successful, and will remain a concrete example of enlightened thinking on the problems of crime and criminals.

The former hospital buildings, now used to house prisoners, have a capacity of about 400 and the mansion itself, Tortworth Court, has undergone extensive alterations, so that it is hoped to use it soon to house up to 300 prisoners under similar open conditions. Since Leyhill was opened in July, 1946, the inmates have worked and slept without any locked doors or bars of any kind, and yet a very high standard of discipline has been maintained in an atmosphere of contentment, constructive good will and relative freedom. Discipline is based on respect for authority and co-operation between prisoners and staff, as well as a realization that failure to conform with the régime means return to a closed prison. A surprising degree of co-operation has been obtained, and abuse of privilege is very rare.

SELECTION OF PRISONERS

The first step in ensuring the success of such a venture is obviously a careful selection of prisoners: those chosen are principally prisoners of the first offender class, or with little in the way of previous convictions, serving sentences of from three years to life imprisonment, so that there is sufficient time for response to training, and an incentive to co-operation. The actual selections are made chiefly at Wakefield Prison after careful observation

¹ My thanks are due to Dr. W. F. Roper, Principal Medical Officer, Wakefield Prison, for permission to use some of the views expressed in a personal communication on the selection of prisoners for Leyhill; and to the Prison Commissioners for permission to publish this paper, although it does not necessarily represent in any way their official views.

and study by the Medical Officer and Governor of the Prison, and the final decision regarding allocation is made by the Prison Commissioners. While very special consideration is given to sex offenders and prisoners convicted of crimes of violence, the type of offence for which a prisoner has been convicted plays little part in selection, the man himself, his temperament and attitudes, and his relations to society being the determining factors.

This was clearly shown in the Spring of 1950 when Leyhill prisoners were grouped according to the crimes for which they had been convicted. Twenty-one men were serving a life sentence for murder. Of the total number approximately a quarter were serving sentences for crimes of violence and approximately one-fifth for sex offences of all types. The remainder were sentenced for offences against property—larceny, robbery, fraud, etc. The distribution of intelligence levels was approximately normal, the majority being of average intelligence, with a proportion of dullards and a smaller proportion of prisoners of high intelligence, some of whom had had the advantage of a university education. No exclusions are made on account of age, which varies from twenty-one to seventy; but it is found that the older, maturer men settle down better than the younger. (The average age of absconders is twenty-nine.) Incidentally, cases requiring continuous or frequent medical attention are not as a rule sent, although a few ‘crocks’ do find their way there from time to time.

The difficulty of coping with security problems in a minimum security prison, with a relatively small staff, might conceivably have been met by short-cuts in the work of selection. The easy way would have been to have searched the men’s records for evidence of mental instability, immorality, violence and general lawlessness, picked out the bad ones, interviewed them briefly, satisfied oneself that their bad name was justified and then labelled them permanently unsuitable for Leyhill. The promising material remaining would then have been turned over, and a firm core of suitable men allocated to Leyhill, with a strong probability that the outcome would be successful. Of what value would such a prison be? These cases would in any case almost certainly have been successes on their return to civil life.

The real difficulty is to pick out the cases of doubtful prognosis, for whom there is nevertheless a chance of social reclamation, and then to swing the balance in favour of social adaption, in other words, convert them from potential recidivists into decent citizens. If we are to do this, we must take some risks; we must be prepared to encourage such men, individually if necessary, to enter the ranks of decent citizenship. There is no rule of thumb by which the failures can be sorted out, in advance, from the successes; each case has to be studied on its individual merits.

ADVERSE FACTORS

Certain factors are indicators, but indicators only. For example:

(1) *Previous history of absconding.* Escaping seems to have a special attraction for some men, even near the end of their sentence. One sometimes finds that these men have been running away from one place or another all their lives.

(2) *Recent sentence.* At the beginning of a long sentence some prisoners are unable to visualize the end of it and are prone to be reckless about loss of remission of sentence for misconduct: they feel that risks are worth taking. A time comes, however, when they begin to adjust themselves to their sentences, and, if it is in them to become reliable at all, they begin to co-operate and avoid losing remission of sentence.

(3) *Resentment against authority* and feelings of grievance.

(4) *The impulsive, irresponsible, thoughtless temperament,* especially in aggressive, undisciplined young men under thirty, who regard all life as still stretching out before them.

(5) *Lack of respectable social connections* and decent relatives whom the prisoner might be loath to upset again.

(6) *The quarrelsome, hypersensitive temperament* which cannot adjust itself to frustration or control annoyance.

(7) *The weak, hysterical temperament,* easily persuaded to misconduct, and reduced to self-pity and depression by bullying or teasing.

(8) *Worrying domestic complications* such as an unfaithful wife or a family in dire financial straits. (Men with problems of this type are likely to abscond.)

(9) *Desire to remain near relations for visits.*

(10) *Unsociability* and preference for cellular solitude to life in association with others, even with increased amenities.

(11) *Very low intelligence,* dirty habits and crude behaviour, leading to avoidance by other men.

(12) *Early schizophrenia and psychopathy.*

(13) *Psychoneurosis with depressive tendencies.*

FAVOURABLE FACTORS

(1) *Mature age.*

(2) *Respectable social background.* As we have seen, men with relations who are standing by them and whom they would hate to hurt are good risks.

(3) *Type of offence.* (a) *Embezzlers*—bank managers, solicitors and large-scale fraud prisoners—are appreciative of the value of an open prison

and are too clever to miss their chances of an early release. (b) *Reprieved murderers and cases of manslaughter*, of previously good character, usually make good prisoners. (c) *Incest cases* tend to be middle-aged or elderly men of low cultural status. They are no assets to an open prison from the constructive point of view, but they usually settle down well and make good prisoners. (d) *Homosexuals and other sex cases*. It is difficult to decide definitely on the desirability of having such cases in an open prison. There are so many of them that to accept some is almost inevitable, and one does not feel justified in excluding them. The homosexuals in particular are a very mixed bag. Some are depraved, sensual individuals, but a few seem determined to try to regain decent social status. As a rule they are unpopular with the other prisoners. The incidence of homosexuals absconding is very low, however, and they seldom appear on report sheets for misconduct. So far they have created no problems.

The security angle is not the only one, however; almost equally important is the type of influence exerted by a prisoner on his fellows. On interview some prisoners can create quite a favourable impression. Expressing regret for the past and good resolutions for the future, they may pass through the meshes of the net despite certain doubts which one is unable to justify. Time discloses their true nature, and one may find they are very destructive to morale. They may deride the efforts of the staff to help them, refer to the whole set-up as 'humbug and hypocrisy' and spend their time boasting of 'jobs' they have done and planning further crimes on release. In spite of these characteristics they may be co-operative and reliable prisoners from the security angle; but their proper place is in a closed prison.

ABSCONDING

Owing to careful selection absconders have never created any problem at Leyhill, as the following table shows:

<i>Year</i>	<i>Average daily population</i>	<i>Absconders</i>
1946	160	9
1947	242	14
1948	308	8
1949	330	5

Misconduct or unlawful behaviour on absconding have been very rare, and there has been only one case of serious crime committed by an absconder in the four or five years since Leyhill was opened.

TRAINING

Training aims at creating a corporate spirit and a standard of social behaviour which will persist after release by stimulating some drive within which will lead to the regulation of conduct along socially acceptable lines. The men are taught to appreciate the advantages of society and the duties of those who accept these advantages. On reception, each prisoner is interviewed by a Reception Committee, consisting of the Governor, the Chaplain and the two Assistant Governors (formerly known as house-masters). The interview is informal but it is made clear to the prisoner what is expected of him; he receives a word of encouragement, and a suitable working party is arranged for him according to his medical category and his abilities. Thereafter more intimate contact is made with him by the Assistant Governors and by the (whole-time) Chaplain, to whom he has ready access, and by whom he is given every assistance in spiritual and moral matters and in solving any domestic problems which may cause anxiety. Great importance is attached to this aspect of the administration, which leads to the formation on discharge of stabilizing links such as continued correspondence and putting the men in touch with organizations such as the Central After-Care Association, the Church Army, etc. Holy Communion, Morning Prayer and Evening Prayer services are held every Sunday, and during the week there is one service, choir-practice and a Bible-class. A Confirmation class is held when candidates are forthcoming. Attendance at church is voluntary, and at the morning services it usually averages forty-five to fifty. Communicants average eighteen.

EMPLOYMENT AND INDUSTRIES

One of the aims of the régime is to inculcate habits of industry, and the value of this as a socializing influence is extremely high—a fact which after a time is recognized by the men themselves. Once it is established this constitutes a self-perpetuating influence for good. It is made clear to the men that they are expected to work a full forty- to forty-four-hour week, under compulsion if necessary, and this is achieved. The output is quite equal to that obtained under civil industrial conditions. Approximately 110 men are employed in the tailoring, carpentry and shoemakers' shops, which produce clothing and furniture for prison and other government contracts to the value of about £20,000 yearly.

Vocational training-classes in house-painting, decorating and brick-laying are available for men who are unlikely to be re-employed at their previous occupations. The courses last for six months and reach 'improver' standard. Men who qualify are then employed in the Prison Works

Department, which carries out all the work of prison maintenance and the construction of houses for prison staff. Twenty men are employed in the prison gardens. A variable number of men are loaned as labourers to local government bodies.

SPORTS AND GAMES

These are encouraged and are considered to be largely recreational. They also fulfil a character-building function, however, by fostering a team spirit, the will to achieve and the ability to accept reversals gracefully and tolerantly. Misbehaviour on the sports field has been almost non-existent since the men have been granted the privilege of inviting local teams to play against them at football and cricket.

EDUCATION

The type of prisoner is peculiarly receptive and the atmosphere prevailing in an open prison such as Leyhill extremely conducive to good educational influence; and, since the twofold aim of social development and the constructive use of leisure is served thereby, no pains have been spared to raise the educational facilities to the highest level. The response, which is voluntary (although all prisoners are encouraged to attend classes), has been surprisingly good, and the voluntary attendance at all classes for the season 1949-50 was 300 weekly. Teachers are obtained from three sources: (1) Workers' Educational Association, centred on Bristol University, which supplies excellent teachers, mainly for cultural subjects, such as appreciation of music and drama, current social problems, etc. (2) Gloucester Education Committee, which supplies professional teachers for all the subjects usually taught in school, such as mathematics, French, English and horticulture. (3) Prison staff, who teach chiefly handicrafts, such as carpentry, leather-work, toy-making and tailoring.

Special observation is kept on prisoners serving life sentences for murder—particularly young men in the early twenties—by both the Medical Officer and the Governor and his assistants, with a view to character-formation and aiding them to return to civil life eventually. An intimate informal relationship is essential if a change in attitude is to be effected and it has been found that this relationship can be obtained without loss of prestige and authority if care is exercised, and if it stops short of easy familiarity. It is most important to retain prestige and authority in dealing with these people, since this reinforces strongly the efforts made to re-educate and re-orientate their attitude to society and their approach to social problems. Once familiarity creeps in, the 'teacher' becomes, in the opinion of the prisoner, an equal with nothing to offer.

On arrival at Leyhill the prisoners' reactions to the new régime vary considerably, but the great majority regard with pleasure and surprise the freedom and the number of social amenities. Since nothing compensates a man for the loss of his liberty, his chief aim is still to regain his liberty. For that very reason absconders are few. The men realize that the liberty of the hunted man is illusory: the increase in freedom and amenities act as a stimulus to good conduct as they feel that they have so much to lose by misbehaviour. Moreover, that intangible something we call 'atmosphere' has its effect. For example, the topics of conversation among the prisoners are on a much better level than in local prisons and a spirit of constructive planning for the future on release seems to be stimulated.

PSYCHIATRIC ASPECTS

The incidence of actual psychoneurotic and psychotic illness in Leyhill has been very small. A small number of prisoners—probably somewhere about 3 per cent.—gave a history of recent acute anxiety states on reception. Some of these had been under treatment immediately prior to arrest and conviction. From the administrative aspect these men were rather a problem. Their personality structure was often a poor one and some tended to be querulous, hypochondriacal and exacting. All such cases had been investigated at previous prisons before transfer in order to ascertain whether they were suitable subjects for psychotherapy; and suitable cases were so treated at Wakefield or Wormwood Scrubs Prisons, before being finally drafted to Leyhill.

Psychotherapy in prison tends to be an incomplete process, as the prisoner is unable to work out completely his new orientation, as it were, under the restricted, artificial conditions of prison life, particularly in a closed prison, and especially so in sex cases. Life in a prison such as Leyhill can, however, give a patient the opportunity to replan his life with his new orientation almost as he would outside. For example, he has somewhat similar social and communal responsibilities—in, moreover, a stimulating environment. It might be termed a question of atmosphere, of a healthy, positive and constructive kind. The effect of this is seen in a cheerful, friendly spirit, enthusiasm for work and for hobbies of the handicraft type, for carpentry, radio, music, drama and other more or less serious studies. The prisoners who had undergone psychotherapy before being transferred to Leyhill required following up to ensure their continued progress.

In the first three years of Leyhill fifteen prisoners were received who had undergone psychotherapy prior to transfer. Clinically they were grouped as follows:

Anxiety states (2 convicted of arson)	6
„ „ with character deviation	2
„ „ and homosexuality	1
Character deviation and homosexuality	1
Homosexuality	2
Depression and homosexuality	1
Depression in paranoid individual	1
Character deviation, psychosomatic state, neurosis and gastric ulcer	1

In the last three cases, treatment had been abandoned at an early stage as it became apparent that a major change could not be effected. In the remaining twelve cases, however, an excellent therapeutic result was obtained in all but the two cases of anxiety neurosis convicted of arson. Both of these cases relapsed; one was sent back to Wormwood Scrubs for further psychotherapy. The ten cases who responded well to treatment while under observation at Leyhill remained free from symptoms and entered into the corporate life of the institution with a new-found energy and self-confidence, and a new outlook on life.

Those cases with a history of anxiety symptoms of the neurasthenic type which have not received psychotherapy in prison (chiefly for reasons of age, chronicity of the condition, or inferior intelligence and psychological make-up) are a much more difficult problem, both medically and administratively. From both points of view they require to be nursed along, and minor modifications of the routine must be made for their benefit. They 'complain sick' very readily and look to the prison hospital staff for sympathy and help when their lack of capacity for adaptation and for adequate social relations gets them into difficulties. It helps them greatly to spend some time discussing their difficulties, and unburdening themselves of their medical history. They are rather like unhappy children who look for someone who will understand them and give them some sympathy. At the same time it is necessary to keep a firm control of the situation, or the patient will exploit the hospital routine to score over the disciplinary side of the institution for ulterior motives. This is very important as prisoners have a very acute sense of fair play, and resent the granting of unearned privileges to selected prisoners—and especially to a type of prisoner who tends to be despised by reason of his lack of virility and comradeship.

For obvious reasons typical psychopathic personalities have been excluded from Leyhill. A number of mild depressive states with anxiety symptoms occur, and 4 per cent. of admissions to the prison hospital have required hospitalization on this account. Apart from predisposition to

neurotic breakdown, the immediate precipitants in most cases have been in two categories:

(1) Men of sensitive type and good education, who had great difficulty in adapting themselves to the necessity of enforced contact (and especially to sleeping in a ward) with people whom they despised. Such men set a very high value on privacy, and a barrack-room type of existence becomes for a time intolerable. This is one of the few disadvantages of prisons of this type.

(2) Men with domestic complications such as illness of a wife or child or cessation of eagerly-awaited letters from home. Letters from home are highlights in the existence of many prisoners and their non-arrival can be provocative of such anxiety as may even lead to absconding. Only one case of schizophrenic reaction has occurred so far and this was in a man of very low intelligence.

In conclusion, one might stress the effect of the open-prison régime on the prisoner when he faces the world at the end of his sentence. Have the amenities and relatively full life impaired his respect for law and order or detracted from the punitive effect of imprisonment? Definitely not. Instead the régime combats the feeling of bitterness, which so many prisoners feel on release from a closed prison, about facing what they consider a friendless and hostile world. It acts as a bridge on the way back to society and freedom, and it must not be forgotten that, no matter how many amenities prison life may have, nothing compensates for the loss of freedom.

‘History shows us a time in which it was thought not only as natural, but as clearly right and incumbent on a man to requite injuries as to repay benefits, but as a moral reflection developed in Europe this notion was repudiated so that Plato taught that it never be right really to harm anyone, however he may harm us.

‘And this is the accepted doctrine of Christian societies as regards requital of individuals of personal wrongs. But in its universal the old conviction still lingers in the popular view of Criminal Justice: it seems still to be widely held that Justice requires pain to be inflicted on a man who has done worse even if no benefit results either to him or to others from the pain. . . . I think it is gradually passing away from the moral consciousness of educated persons in the most advanced communities.’

HENRY SIDGWICK: ‘Methods of Ethics.’

DELINQUENT GROUP-FORMATION AMONG IMMIGRANT YOUTH

By S. N. EISENSTADT (JERUSALEM)

The purpose of this paper is to analyse some sociological aspects of the incidence of juvenile delinquency and especially of delinquent (youth) group-formation among immigrants. Most of the material is based on statistical data and research carried out in Israel,¹ but comparative studies from other countries, particularly the United States, have also been used. The paper is concerned mainly with the influence on family life and adolescence of the social processes connected with migration. It does not touch on either biological or psychological aspects of the ætiology and typology of delinquents. This should not be interpreted as claiming any monopoly for sociological interpretation. On the contrary, it is hoped that the limits and inherent inadequacies of the purely sociological approach will be clearly emphasized.

The high incidence of juvenile delinquency among immigrant families, especially in the second generation, has long been stressed in the literature of the subject (especially in America) (1). This incidence has been usually ascribed to different 'causes', most of which are in line with the current sociological explanations of juvenile delinquency. The following main factors have been emphasized: (*a*) Broken homes, existing among those immigrants who could not adapt themselves to conditions in the new country; (*b*) bad economic conditions, usually connected with (*a*); (*c*) conflict of cultural elements, norms, habits, etc., consequent on living in two different worlds; and (*d*) conflict between parents and children, due mainly to (*c*). Although these explanations do, of course, account in varying degrees for the different manifestations of juvenile delinquency, they seem to us rather inadequate. They have unduly emphasized those aspects of modern migratory movements which are related to social disorganization, conflict, etc., and correspondingly the relation between immigration and juvenile delinquency became an obvious, too obvious, one. This undue emphasis does not always enable us to see the problems of juvenile delinquency in proper perspective and does not take into account the full context of social forces bearing on them.

¹ Most of the investigations on which this paper is based have been carried out at the Sociological Research Seminar of the Hebrew University, Jerusalem, unless otherwise specified. All the references to interviews are from the files of the Seminar. The sample on which this paper is based is derived from three different research projects mentioned in Footnote 3, and totals about 300 families and 450-500 adolescents (ages thirteen to nineteen).

Our investigations suggest that a somewhat fuller understanding of the problem could be arrived at if two more general sociological characteristics of the processes of adaptation and absorption of new immigrants were taken into account. These characteristics are: (1) diminution of the family's effective capacity to satisfy an *organized hierarchy* of needs and aspirations of its members, and especially of children and adolescents; and (2) limitation of the social sphere and functions of the family, leading to the emergence of specific 'youth-groups' and 'youth-culture'.

(1) The process of adaptation to a new country necessarily transforms both the internal structure of the family and the whole field of social participation of its members. In the first phases of adaptation a shrinkage in the field of effective social participation of the immigrants usually takes place. Large amounts of energy have to be expended in various activities connected with economic problems and in making fresh orientations in the new country, the usual result of which is that the old family rôles cannot be fully sustained. This feeling of the inadequacy of their new family set-up has been spontaneously expressed by about 80 per cent. of the new immigrants observed by us, and is generally recognized in the literature on immigrants. Such a situation quite frequently gives rise to undue emphasis on some basic needs—food, shelter, sexual relations—and apathy in relation to other, broader social 'needs' and problems. It has sometimes even been found that the family ceases almost entirely to function as a social unit. In most cases, anyhow, it is only gradually that the new immigrant extends his participation to broader fields of the new social structure. This process involves many points of tension as the new immigrant must learn not only new 'techniques' of behaviour, but must rearrange his whole hierarchy of needs and activities, and re-define his conception of himself, his social status, etc. This process, which is in any case difficult, is rendered still more difficult by the various dislocations connected with immigration (2). The lack of integration of needs, etc., may affect, in various degrees, the ability of the family to orient the children and adolescents towards their future social rôles and to give them the wider social perspective and values that are essential.

(2) Along with this transitory process we find in most modern industrial immigration countries a more basic one which has more permanent, structural results. In almost all these countries, the immigrants' adaptation involves a diminution and limitation of the social functions performed by the family. This is due to a large extent to the fact that the immigrants come from 'familial' communities (usually peasant or artisan) and find themselves in more individualistic societies, based on a high degree of economic specialization and 'universal' citizenship. The family does not constitute, in the countries of absorption, the basic unit of the social division

of labour, and many social rôles have to be performed by the individual independently of his rôle and status within the family. The limitation of the sphere of the family and the undermining of the 'traditional'-familial scale of values always gives rise in varying degrees to 'peer-groups' formed at different age-levels by children and adolescents.² These groups, which emerge in almost any industrial, urbanized society fill the social 'vacuum' between the family and the community. The predisposition towards formation of age-groups is largely intensified among immigrants, especially, as has been rightly emphasized in the literature, among the second generation of immigrants. This is due, firstly, to the differences of tradition and cultural orientation between the different generations of immigrants; secondly, to the speed of dislocation from a 'familial' to a 'non-familial' setting and the consequent inability of the families to orient their children towards performing extra-familial rôles. For this reason the 'peer-group' type of behaviour seems to be more prevalent among the different ethnic groups in the United States than in European industrial countries (3).

The decreasing scope of the family does not diminish, however, its crucial importance for the understanding of our problem. The family remains, of course, the main and primary socializing agency and its relation to the total social structure becomes perhaps even more crucial and important—from the point of view of the social development of children—than in a 'familial' society. From the above statement, it should be clear, however, that it is not the internal structure of the family which is most important, but the relations between this structure and the total new social field (4).

In the Jewish community in Palestine these specific youth-groups prevail, in different forms, in almost all sections of the social structure (5). We may distinguish between the following main types: (a) organized, legitimate 'youth-movements', some of them linked with different 'pioneering' movements, others mostly of a recreational character; (b) relatively unorganized, or loosely-organized cliques, recreational groups of children of a given neighbourhood, school, etc.; (c) 'delinquent groups', which engage in pilfering, smuggling and other illegal practices. It has been estimated that about 30 per cent. of urban and semi-urban youths are organized within the first type, and many more have passing contact with them. Even more participate, of course, in the unorganized groups, of which no detailed statistical accounts exist. Although in principle the different types can be distinguished one from the other, in actual fact they overlap

² The correlation between a 'non-familial' division of labour and the emergence of specific 'youth-groups' has been verified by us in a small 'cross-cultural' survey of a sample of about fifty societies. We hope to publish the results of the investigation shortly.

and intermingle to some extent. While the structural difference between, on the one hand, the legitimate, accepted youth movements, whose activities are in varying degrees oriented towards the realization of the basic values of the community, and, on the other, the delinquent, deviant youth-groups is very large, their common background makes comparison between them both easier and more interesting.

All this brings us to our main problem, namely: Which family types and types of new environment give rise to socially adapted youth-groups and which to delinquent groups? The common process of migration, with its dislocations can, perhaps, account for the general emergence of 'youth-groups', but not for variations in type. We must therefore compare the internal structure of these two main youth-groups, and, then analyse the different family constellations and environmental influences under which they emerge.³

Our investigations shewed that all these types of youth-groups have some common characteristics, associated mainly with the needs they fulfil. Interviews, observation and analysis of the internal literature of the movement indicated fairly clearly a number of motivations, varying in intensity in the different groups. These were as follows: (a) Acquirement of various social skills, especially in the sphere of spontaneous competitive behaviour, which are not fully developed at home. (b) The possibility of achieving not-too-distant goals (play, recreation, etc.) in contrast to the more distant ones towards which most of their activities at home are oriented. (c) Acquisition of a fuller, more independent status within a group, in contrast to their dependent status at home, school, and in the occupational field (if there is any status at all in the latter). (d) Identification with a small primary (nuclear) group, with the members of which one shares the same experiences. (e) More direct experience of social activities and values which are outside the scope of the family and school and which give to the youngsters a feeling of fuller and more direct participation in the community.

It is interesting to note that these factors have been equally emphasized by members of the socially adapted and the delinquent groups: no significant difference could be found among them from this point of view. In each group-formation these functions were fulfilled by different sets of activities, or, to put it another way, the activities of each type of youth-group were

³ This analysis is based on three different research-projects conducted by us at the Research Seminar in Sociology of the Hebrew University. These projects are: (1) The Problems of Oriental Jews in Palestine, completed in 1947; (2) The Absorption of New Immigrants since 1948; and (3) Problems of Youth Movements—the latter two still being carried out. As no specific, thorough, statistical investigations of this problem have been undertaken, the conclusions are necessarily tentative, but they seem to converge into some definite pattern. They are based on about 300 families and comparative analysis of several youth movements.

organized in different ways and oriented towards different goals and values.

When differences between these two types of groups were investigated it was discovered that they did not lie mainly in the nature of these activities, e.g. sports, recreations, excursions, attending the cinema, reading, etc. In these respects, the differences between the groups were not significant. The main difference seemed to lie in the structure and organization of the group. The most important factors were found to be the following:

A. *Stability, organization and solidarity of the group.* In all these respects a very marked difference existed, the delinquent groups in every case ranking lowest. In fact, the stability of any delinquent group and its component members was as a rule extremely low. The youths changed their groups very often and the group had only a minimal degree of organization. There scarcely existed any permanent goal towards which its activities were directed. Groups would shift their attention from one direction to another, from pilfering to going to the cinema, etc., each shift involving a change in membership and in organization. There existed scarcely any fixed types of rôle and the youths' relations with one another changed frequently, following, however, a leader-follower pattern in which physical aggression played a major part. In contrast to this, the socially adapted groups showed a higher degree of stability and organization.

B. *Degree of organization of the different goals in a definite hierarchy.* This is, of course, closely connected with the above. Among the delinquent groups it was found that the different goals towards which their activities were directed were not to any large extent arranged in any definite hierarchy, involving some patterning of priorities and ordering in time. They were more or less unrelated to one another, and, with constant shifts among them, each of them would acquire a temporary priority, only to be forgotten when the next goal came within their field of perception. A concomitant characteristic was the great stress laid on the *immediacy of attainment* of a goal and a minimal ability to see it in a somewhat longer temporal perspective, and to be able to arrange other activities as steps towards this attainment. This characteristic gives rise in the delinquent groups to many tensions, as it does not enable them to gain any of the adult social aims towards which they aspire. By contrast, in the socially adapted groups, the aims and activities of the members are well-organized in definite patterns and in a means-ends sequence. Even here the 'temporal' span is always shorter than that accorded to the children within the orbit of adult society (home, school, etc.). Importance is attached to a fuller and quicker achievement of status within the peer-group, but all these goals and activities are organized in more or less definite patterns and hierarchies.

C. *Communication and identification with the general community and its*

values. We have seen earlier that one of the main functions of the youth group is to provide its members with a channel of communication with those aspects and values of community life towards which the family 'does not orient them in an effective way, and to give them the feeling of a fuller participation in the community. This explains why in all these groups—socially adapted and delinquent alike—considerable emphasis is laid on goals and 'virtues' which symbolize the adult world and status, and certain of its aspects from which children may be excluded at home and in school: competitive behaviour, full physical prowess and strength, independence in a spontaneity of recreation, social and political problems, activities, etc. This common orientation towards the adult community, however, takes entirely different directions in the two types of youth groups. The main difference lies in the fact that in the socially adapted groups there is a gradual and more or less orderly preparation for socially sanctioned adult rôles whereas in the delinquent groups emphasis is mainly on 'symbolic' goals, which do not lead to such accepted adult rôles, and on a more 'vicarious' type of identification with the values of the community. The marked emphasis on immediate attainment of different external symbols of full social status—clothes, spending money, frequenting various recreational (and/or vice) resorts—is a manifestation of this tendency. This difference between the two types of group is also manifest in their communication with the adult world. In the socially accepted groups, with the gradual extension of new social perspectives, attempts to establish more intensive, regular and organized communication with the adult world are almost always made, and the tensions between the generations do not have a 'rebellious' and totally negative character. In the delinquent groups these tensions are only rarely overcome and neither effective communication with the adult world, nor extension of participation in regular and recognized common social situations, rôles and identifications develop to any large extent.

This difference in the attitude towards the adult world can be well illustrated by comparing the following examples quoted from interviews with members of an organized, socially accepted youth movement and of a semi-delinquent gang respectively:

'I think that we are all very interested to learn many of those things that adults do, and to be able to understand the adult's world. It is true that many of them are very dull and do not interest me, but it is not true of all of them. I think we can learn from grown-ups, especially from those who understand us and do not try to be very remote. I think my father is really such a man and so is also the "madrich" (leader, guide) in the movement. I like to spend my time with them although they sometimes irritate me.'

'... All the "grown-ups" do is make constant demands on one and pretend to be very important or a different race of men. They grab all the good things that are to be had and they don't allow anyone to take these things from them. . . . Of course, I want to be like them. I want to have as much money as they, nice clothes, to play around with girls and women, but I do not think they will let me have all this when I want it—only when I am an old man and unable to enjoy it. That is why I hate them so much. . . .'

D. *Incidence of internal and external aggression.* The instability of delinquent groups and lack of attainment of full social rôles gives rise among them to a higher incidence of internal and external aggression. Internally, this aggression is usually connected with the constant changing of rôles and the strong emphasis on force and physical prowess. In external relations, the feeling of insecurity of their own status quite often gives rise to verbal or physical aggression, the main aim of which is to emphasize their full 'status'. This is, for instance, very frequently seen in their behaviour towards waiters in coffee-houses or cinema attendants.

These characteristics of the socially accepted and delinquent youth groups respectively show us that the basic difference between them lies in the way they solve the psychological and sociological problems arising from the discontinuity between the family and the community—a discontinuity which exists in any modern industrial society and which is emphasized among immigrants. From the sociological point of view, the main characteristic of the delinquent group is that it does not provide its members with effective channels of communication with the adult community and its values, and that it constitutes an uneven and disorderly field of social activity and perception through which only very few stable, recognized social rôles can be learnt and performed (6).

Our next problem is to consider under what conditions the formation of these groups takes place. For reasons of space, only the briefest outline of the conclusions arrived at during our investigations can be given. From the outset it was clear that the usual 'objective' socio-economic indices could not fully account for the formation of the two different types of group. We had to look for more specific, and, at the same time, dynamic factors. Those were mostly related to some dynamic relations between the family structure and the 'absorbing' environments. While only about 50 per cent. of the children belonging to the type of family to be described took part in the delinquent groups, about 85 to 90 per cent. of the children participating in these groups belonged to such families. This emphasizes, on the one hand, the need to elaborate our formula, and on the other, the possible inadequacy of purely sociological explanation.

The most universal condition under which delinquent youth-formation

took place was absence of identification and presence of intensive conflict between the family (especially the head of the family) and the new country and social structure. It should be emphasized that we are not alluding here to 'mere' differences in norms, values, etc., which are quite prevalent among the most different types of immigrant. Of much greater importance than the 'objective' difference and discrepancy is the attitude taken by the immigrants towards this difference; in other words, their (and the absorbing population's) social definition of this difference. Whenever immigrants establish a positive identification with the new social structure and its values, and whenever this identification is not blocked by the 'absorbing' environment, the cultural and social differences only rarely give rise to a high incidence of delinquent group-formations among the children and adolescents. Even when the parents are apathetic towards the new social structure, the incidence of delinquent group-formation is rather low, although higher than in the former case. In our example (which is not, of course, representative of the whole immigrant population, new and old) only about 5 per cent. of children from the first type of family, and only 15 per cent. of the second (apathetic) type were involved in some delinquent groups. On the other hand, about 50 per cent. of the children from families where parents did not identify themselves with the new social setting were involved in such activities. The explanation of this fact seems to be the following: those parents who identify themselves with the social system and its values tend to transfer this identification to their children and to orient the children towards the new environment and its social demands. Even if they themselves cannot effectively teach the children the new skills and rôles, they do not hinder, and may even encourage, such acquisitions. As one of the parents put it in an interview: 'I do not understand many of these things which I see around me, and sometimes they are quite strange to me, and not always can I say what is good and what is bad. But this is our country, and all this is a part of it, and I want my children to know all this better than I do. That is why I do not interfere with them very much and sometimes even help them. I want only to see that they have good comrades and instructors—that is what is important.' Of course, conflicts and disagreements do occur, but these develop only very seldom into a definite, emotional upheaval. In the case of more apathetic parents a positive orientation towards the new social structure is absent but the relative lack of interest of the parents ensures at least that no intense conflict will be generated. In such cases it seems that the adequacy of the 'absorbing' conditions is the crucial factor in the predisposition to delinquent group-formation. What are the main manifestations of this negative identification? The following seem to be the most important ones:

(1) *Incongruity in conceptions of social status.* One of the most frequent manifestations—or causes—of the negative identification is that among the parents there exists a very great rigidity in their conception of their own status, which was mainly influenced by their old social and cultural setting. Any change means loss of status, and correspondingly any emergence of new types of demands on the children—whether in schooling, leisure-time activities, etc.—is greeted with hostility. Pressure—physical, emotional, etc.—is exerted on the children not to perform the new social rôles or to satisfy the new ‘needs’.

Take, for instance, the following typical interview with a middle-aged father, an immigrant from Central Europe. ‘I do not want my children to go wild and to behave in a manner in which they should not. I must always remember my education and my previous position, even if I have not yet got it here, and even if some clever people make fun of it, and even my own children do not really understand it. Here, almost all children are wild—they shout, are neither polite nor obedient, are not interested in working—only in playing and excursions. They do not dress properly; boys and girls mix too freely. I have many difficulties with my children and sometimes have to beat them; otherwise they will not become real men. . . . Here, at least, in my home, I must have some authority. . . .’ One of his children summed up thus: ‘Father still lives in the past and thinks himself very important. But really he does not understand very much here. He makes life very hard for us, and we cannot get any fun with him. He gets terribly angry if we have some fun on our own. . . . But never mind, we shall do what we like and he will be very sorry for it.’

It is among the children from these families that the highest rates of truancy from school, absenteeism from work, etc., are found. The result of this is, of course, that the children find it more and more difficult to establish for themselves a recognized social status according to the criteria of the new social structure, while the ‘old’ status of their families lacks any reality in the new setting. Such a situation may develop—either in extreme cases or in thorough and prolonged undermining of the family structure—into a complete disruption of family life and of its ability to achieve any status at all. In such cases we witness the exclusive emphasis on a few basic biological needs and satisfactions and a lack of any stable rôles and social relations. The relations between the parents and children become based more and more on sheer physical force which is not backed by any social participation or orientation. While among children of these ‘extreme’ families, the various indices of delinquent group-behaviour are usually intensified, it may quite often be found that they are unable to form any group relations at all, as the degree of organization of their personalities is

minimal and their ability to perform *any* stable social rôles undeveloped.

(2) *Conflicts of conceptions of authority.* This problem has been most widely emphasized in the literature on delinquency among immigrants (7). The stable and effective transmission of social and cultural orientations from the parents to the children is dependent on the acceptance of the parents' authority by the children. This is undermined whenever the conception of authority in the new social setting is different from the old and transmitted to the children through the 'wider, non-familial' environment. In these cases the children's ability to perform new social rôles and achieve full status within the new environment is jeopardized to the extent that the old authority norms are enforced on them, and the ensuing conflict predisposes the youths towards delinquent group formation. The emergence of such conflict is, of course, related to the difference of norms between familial-patriarchal and industrial-individualistic societies, but is not a necessary outcome of this difference. It is the degree of insistence on the old authority-dependence relations in the new environment which is the predominant factor. This attitude also can be illustrated from our interview material. The following excerpts are from an interview with an immigrant from North Africa: 'I cannot really understand what happens here with parents and children. I do not think that what they do here is right and really it is a great sin. . . . At home we knew our place with our father, and he would not allow any disobedience. He knew what was right for us. But here children are becoming wild and unruly . . . they think that they should not obey their parents, that they are much wiser than the father and mother. They tell me openly that I do not understand what is good here. . . . It is the school, their teachers, and their 'groups' that teach them all this. Whoever has heard that children should have groups of their own and not obey the elders? . . . I try, always, to assert my authority and if they will not accept it, I shall throw them out. . . .'

(3) *Discrepancy between the parents' level of aspiration in the new country and the possibility of its realization.* This applies mainly to those immigrants who were initially more predisposed to change their social rôles and to orient their aspirations towards the new social setting, but did not succeed in realizing them. It is in this context that cultural differences become of greater dynamic importance, since the lack of various skills and knowledge which are necessary for the performance of these new rôles may seriously impede their realization. As one of them put it: 'I have always thought that here I should begin a new life, become more prosperous and more influential. But these were vain hopes. The people here are hard and jealous and do not like to give me a chance. They always say that I do not know this or that and so on, as if they were the only wise people

in the world. And so I am here, as you can see, in such conditions. What makes me really very angry is that now my children go out and play there with their children; they imitate them and they also think that all wisdom is there. I am very angry at them and I think we do not understand one another any longer. . . . They live in a world apart and are not interested in me. . . . I have really got no influence over them. . . .' Although no exact comparisons can be made, it seems that among children of these families a more intensive manifestation of the different delinquent symptoms can be found.

These main manifestations of a negative identification and conflict with the new social structure have been found to exist—although in different proportions—among all ethnic groups and socio-economic strata. They could not be attributed either to cultural heritage or to socio-economic positions, but mainly to other factors, such as motives for immigration to Palestine, types of Jewish life and identification, consciousness and degree of social security as Jews in the countries of origin, etc. These causes were analysed by us in great detail in connection with the project of absorbing new immigrants, but are outside the scope of this paper.

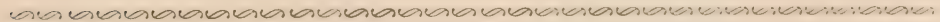
In conclusion we must mention the type of conditions in the country of immigration which intensify the discontinuity and tensions between the family setting and the community. Although no full-scale analysis can be given in this short paper, some general indications should be mentioned. It has been found that generally this discontinuity is increased in so far as: (a) the new immigrants are put in undefined and unorganised settings in which no clearly defined rights and duties are assigned them and in which their own inclination to emphasize only the basic, biological needs is intensified; (b) they encounter their new social setting mainly through bureaucratic channels and institutions in which they perform merely passive and subordinate rôles; (c) they cannot fully participate in informal, face-to-face groups and relations with the old inhabitants and are mainly confined to formal relations in which only minimal mutual identification can develop; and (d) they are discriminated against by the old inhabitants. This last condition is, however, rare.

In other words, the predisposition towards delinquent group formation is minimized where the new immigrants (and specially the children and adolescents) can find or are enabled to acquire new, permanent and recognized social rôles and to participate in close personal relations with the old inhabitants. The existence of personal channels through which the immigrants can be introduced to the new social setting is the prerequisite of absorption. In many cases, the existence of such channels mitigates the results of unfavourable family settings, and the identification fostered through

them may sometimes overcome the negative identification between the families and the community.

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The Sociological point of view . . . has a regrettable tendency to beg the question. It takes for granted that, by definition, the crime is an attempt against social organization. Led on by this prejudicial statement, it emphasizes its destructive and negative aspects, and pays little attention to its positive functions as a factor of reform and progress. '*Aussi est il inutile d'observer les moeurs, puisque on peut les déduire des lois psychologiques*' says Marcel Proust. We may trust to the words of this oracle.

HANNS SACHS: 'Masks of Love and Life'.

(Sci-Art Publishers, Cambridge, Mass., 1948.)

CURRENT RESEARCH

(Continued from Vol. I, No. 4, p. 293)

XIV. EDUCATIONAL AND PSYCHOLOGICAL PROBLEMS OF JUVENILE DELINQUENCY

(1) *Name of University Department, Hospital, or other Institution or private person supplying the information:* Dr. Robert H. Thouless, Reader in Educational Psychology, Cambridge University.

(2) *Subject of Research:* Educational and Psychological Problems of Juvenile Delinquency.

(3) *Under whose auspices is the research being carried out?:* As a thesis for the degree of M.Litt. in the University of Cambridge. *Research worker:* Mr. Jamil Sa'id.

(4) *Commenced* in 1949; finished 1951.

(5) *Publication:* Not yet published.

XV. AN INVESTIGATION INTO THE USE MADE OF SECTIONS 26 AND 4, CRIMINAL JUSTICE ACT, 1948, BY THE CRIMINAL COURTS IN THE LONDON REGION

(1) Dr. P. D. Scott, M.D., D.P.M., Physician and Lecturer to the Maudsley Hospital, London.

(2) The Criminal Justice Act, 1948, makes provision for enquiry into the physical and mental condition of offenders on bail, after conviction and before sentence (Sect. 26). Further the Court is given power to require a convicted offender to submit to treatment of his mental condition (Sect. 4). A clinic under the direction of Dr. P. D. Scott has been set up at the Maudsley Hospital, London, to cover the requirements of the Courts of the region. An investigation is being carried out to determine the extent to which the Courts have used the provisions of the Act over a two-year period to survey the cases referred and to draw conclusions as to the usefulness and potentialities of this type of clinic.

(3) The Maudsley Hospital, London.

(4) Commenced 1950.

(5) Nothing so far published.

XVI. JUVENILE DELINQUENCY AND THE SCHOOL

(1) Dr. H. Mannheim, London School of Economics and Political Science, University of London.

(2) Juvenile Delinquency and the School. A study of the functions of the School in the prevention and treatment of juvenile delinquency and of the collaboration existing in this field between Schools, Juvenile Courts and other agencies in a London area.

(3) As a thesis for the degree of M.A.(Soc.) in the University of London. *Research worker:* Mr. I. J. Croft, M.A.(Oxon.). *Supervisor:* Dr. H. Mannheim.

(4) Commenced in 1950.

(5) Nothing so far published.

REVIEWS

THE CRIME PROBLEM. By Walter C. Reckless. (New York: Appleton-Century-Crofts Inc. 1950. Pp. xii + 537. Price 32s.)

This book provides an excellent example of the possibilities that lie ahead if those who are active in the treatment and control of crime can be brought into a working relationship with scientific colleagues who are members of the staffs of universities. Professor Reckless has served as Chairman of the Committee on Research and Planning of the American Prison Association and as a member of other public bodies charged with similar duties, and he has, we are told in the Foreword to the book now being reviewed, 'served as in-training officer for several probation and parole jurisdictions in the United States'. He is therefore in a position to speak with authority as one who knows what goes on 'inside', who moreover, has had an opportunity to see the wood as well as the trees, and to talk over the problems he encounters with specialists in other branches of the social sciences. It can only be remarked on, in passing, that we in Great Britain sadly lack more opportunities for the scientific study of crime of the kind which Professor Reckless has had, and it is to be hoped that the work which he and his colleagues have done will have its effect over here, as well as in their own country.

'The Crime Problem' is a book addressed to the student who is beginning to specialize in criminology, and to the prison officer who is showing signs of an ability to rise to the higher grades in the service. It is an excellent elementary study of the methods and the problems of the treatment of crime in the United States. The descriptive material it contains is both a sufficient factual foundation for the further development of the subject, and a well-designed means of arousing the interests and feelings of personal obligation on the part of the student. It does not flinch from describing the shortcomings of the American system—or lack of system—as well as the more new-fangled methods of treatment which the Federal and many State administrations are steadily developing. The horrors of the 'county jails' are faced fairly and squarely, and the illustrations of the interiors of two of them are unforgettable.

From the point of view of scientific theory, it is interesting to note that Professor Reckless is continuing to develop a healthy scepticism concerning the 'causes' of crime, which he first elaborated in his 'Criminal Behaviour' in 1940. 'It looks as if it is impossible', he writes, 'to take the conditions and traits discoverable in individual case histories and validate them, and show how operationally effective they are in explaining delinquency and crime in general.' From the 'causative' approach he turns to 'behaviour-sequence', in which 'an effort is made to understand just where the violational behaviour fits into the scheme of life of persons who become criminal'. It therefore follows that 'criminal activity in a career of crime must represent a definite part of a scheme of life'. Professor Reckless has, of course, been unable to develop this argument at any length in the present book, but even the brief summary he gives of it, and the way in which he makes it serve as the theoretical foundation of his work, whets one's appetite for much more from him in the same vein. It is to be hoped that in his next work he will make full use of contemporary researches in other countries, particularly our own, and point the way to further advance along this line.

The weakness in this approach to the problem of crime is that it is essentially clinical and individual rather than social and general; it is more typical of the methods of the craftsman than of those of the scientist, and, indeed, it seems to place undue emphasis on the empirical basis of prevention and treatment. Good homes, efficiently run schools, well planned youth organizations, and so forth, undoubtedly are social factors making for law and order. But it must be asked how *precisely* they succeed, and why *precisely* they fail in certain instances. Moreover, we need to know why it is that certain institutions and methods of approach flourish in some societies and die miserably in others. It is surely no use advocating more youth clubs and better schools unless the pathogenic conditions which these reforms are designed to remedy are first fully understood. Nevertheless, the 'behaviour-sequence' hypothesis is a very valuable one indeed, and it is likely to produce excellent results if it is used as a means of testing responses to typical situations provided by one form of social organization or another.

T. S. SIMEY.

THE CRIMINAL AND HIS VICTIM. By Hans von Hentig. (New Haven: Yale University Press. 1948. Pp. viii + 461. Price 32s. 6d.)

The purpose of this book is to study the 'composite causations' of crime, and to 'pave the way for specific and more adequate modes of treatment'. This method of analysis, it is thought, 'belongs nowhere' in the existing treatment of the subject for it has been neglected by sociologists and biologists alike. Sociologists, on the one hand, are assumed to restrict their attention to the social conditions of crime, whilst psychiatrists and 'criminal anthropologists' on the other, merely deal with its 'physical determinants'. From these assumptions it is argued that none of these studies is concerned with the 'interstitial areas where social and constitutional forces enter into combination', even though they play 'a not inconsiderable part in the natural history of the delinquent'.

It may be doubted, however, whether the author's assumption that a no-man's-land exists between sociology, psychiatry and anthropology is in fact correct. The days are surely far distant when the search for the 'physical determinants of crime', properly so called, was abandoned. We are much more accustomed to find contemporary psychiatrists concentrating on interactions between individual personality, social structure, and the culture of the society in which personalities develop, rather than on such topics as hair colour, left-handedness, 'ugliness' and deafness or other physical defects. The contemporary anthropologist, again, would surely tend to follow Malinowski's example and investigate criminal tendencies in the context of the forces tending to disturb social order and equilibrium and to restore it after it has been upset. Nevertheless, the progress that has been made in explaining crime as a phenomenon arising out of interactions between personality and social environment is not as yet very substantial. The value of the present book lies, therefore, in the fact that it assembles together a large amount of material and speculation that is relevant to this problem, the perusal of which may suggest to others lines of research which may be profitably followed. It must be regarded, indeed, as a survey of past speculations rather than a signpost for the future.

Part IV of the book is devoted to the criminal's victim. Evidence is adduced

to show that 'a nefarious symbiosis is often established between doer and sufferer'. This is an interesting topic to which far too little attention has been paid hitherto; the moral responsibilities of the careless owner of property are well known to the police and to criminal lawyers, but too little to the general public, and to both legislator and administrator. It is, for instance, at least of equal importance to study mental defect as a factor increasing the opportunities for the commission of crime in general as it is to study it as one which tends to make an individual more likely to develop a pattern of criminal behaviour. It is to be hoped that more attention will be paid to this problem in the future, and that a careful analysis of social structure, rôles and relationships will be made to demonstrate the ways in which a society can become, as it were, 'crime prone'.

T. S. SIMEY.

PSYCHIATRIC ASPECTS OF JUVENILE DELINQUENCY. By L. Bovet. (Geneva: World Health Organization, Monograph Series. 1951. Pp. 90. Price 5s.) (This is the English edition of the French original referred to on p. 305 of Vol. I, No. 4, of this Journal.)

In August, 1949, a committee of experts, convened by the Economic and Social Council of the United Nations to advise on international study and action in the field of prevention and treatment of crime, agreed that the study of juvenile delinquency should receive priority and that the World Health Organization (W.H.O.) should be asked to participate. As a consequence, the author of the present Report, a distinguished Swiss psychiatrist, was appointed by the Director-General of W.H.O. 'to prepare a Memorandum for U.N. on the psychiatric aspects of the etiology, prevention and treatment of juvenile delinquency. . . . Naturally, it is not intended that this review should be of a strictly scientific nature, but rather a broad picture for the intelligent reader without psychiatric training.' In the course of his work, Dr. Bovet undertook a tour of several European countries and America; he consulted over 150 specialists of all kinds in juvenile delinquency and visited sixty institutions of different types. In spite of the comprehensive nature of this fact-finding enquiry, he finds it necessary to stress the subjective and selective character of his Report and the limitations imposed by the time factor.

Even so, this Report is a remarkable achievement. Its title is too narrow as it also deals, though briefly, with sociological and, more fully, with somatic and constitutional factors. Attention is drawn to schemes of treatment, prevention and research in many countries, and the Bibliography of 140 items, though inevitably incomplete, is particularly useful because of its international character. The final section, 'Summary and General Conclusions', serves to underline the most important findings of the survey. To quote only a few of them, the author regards it as one of his most definite conclusions that 'few fields exist in which more serious coercive measures are applied on such flimsy objective evidence than in that of juvenile delinquency' (pp. 10 and 79). Deep-rooted convictions take the place of factual evidence, and painstaking research is overdue, if only in view of the 'enormous financial burden which delinquency imposes on a population (about 100 million Swiss francs annually for a country such as Switzerland)'.

There are, among others, a number of laudatory references to attempts made in this country to tackle specific problems; for example, to the Duncroft School

for Girls (p. 72); to the training scheme for Psychiatric Social Workers (p. 76; that for Probation Officers might also have been mentioned in this connection); to Dr. Bowlby's researches (p. 33); and to the investigation into leisure activities and other work of the I.S.T.D. (pp. 40, 80, 81).

Dr. Bovet confirms the general view of the multiplicity of causal factors and the resulting need for team-work in this field. It is less universally recognized, however, that, as he rightly stresses (pp. 10 and 62), the very fact of being labelled 'delinquent' may set in motion a new chain of delinquency-producing factors, thus perpetuating the 'vicious circle: insecurity, anxiety, aggression, guilt, insecurity' which the author, with much justification, regards as the common denominator in that bewildering multiplicity of causes (pp. 78 and 82). On the other hand, if, as he believes, only a small minority of 10 to 20 per cent. of Juvenile Court cases eventually become adult offenders, this would show that the vicious circle can in fact usually be broken, and research should aim at discovering the characteristics of those few failures and of the factors most frequently associated with their failure. While paying just tribute to the pioneer work of the Gluecks and of his compatriot Dr. Frey in Basle, the author admits that the applicability of their findings in other countries has still to be tested (p. 44).

Dr. Bovet's observations on institutional treatment, on training of staff and co-operation between the latter and the psychiatrist and psychologist (pp. 67-74) should be carefully studied by everyone working in this field or engaged in training. When discussing the optimum length of residential treatment, he expresses some doubts as to the wisdom of indeterminate sentences (p. 73). Admittedly, any kind of uncertainty may produce anxiety with all its evil results, but in the hands of a well-trained staff the advantages of this now indispensable technique should far outweigh its potential dangers.

To sum up: U.N. and the W.H.O., as well as Dr. Bovet, deserve our gratitude for having given us this survey, but the matter should not be allowed to rest there, and the many suggestions made in the Report should be followed up by carefully planned regional studies.

H. M.

ABSTRACTS

(Under the direction of W. R. Bett (London) with the co-operation of John C. Spencer (London).)

EDWIN H. SUTHERLAND: 'Critique of Sheldon's Varieties of Delinquent Youth', *American Sociological Review* (February), 1951, 16, 10-13.

This is probably the last paper that Dr. Sutherland wrote before his death. In it he gives reasons for his unfavourable appraisal of this study of delinquency. (1) Sheldon's definition of delinquency as 'disappointingness' presents an impossible basis for empirical research. (2) The manner of selecting cases is unscientific. (3) The method of scoring is subjective and unreliable. (4) The several varieties of delinquent youth do not differ from each other significantly in their somatotypal and psychiatric indexes. (5) The somatotypal and psychiatric indexes of the 200 youths do not have evaluative meaning. (6) The variations in the civil delinquencies of the 200 youths are not significantly related to variations in the somatotypal and psychiatric indexes.

F. LOVELL BIXBY and LLOYD W. MCCORKLE: 'Applying the Principles of Group Therapy in Correctional Institutions', *Federal Probation*, 1950, **14**, 36-40.

The authors discuss the principles underlying group therapy in a correctional institution, in particular in relation to the established programmes and practices. They point out the nature of staff understanding and support that is required, and the function of the leader. Their experience is based on correctional institutions in New Jersey, and they include an illustration of the technique from a particular group discussion of eighteen recidivists, showing the undesirable administrative repercussions which could arise under poor leadership.

British Journal of Psychiatric Social Work (Association of Psychiatric Social Workers), 1950, No. 4.

Among the eight articles in this number are included two papers on the rôle of the psychiatric social worker by Miss K. M. Lewis and Miss E. L. Thomas, articles by Mrs. Kay McDougall on future developments in training, and by Mrs. M. Castle on changes which may affect methods of social case-work, and a list of publications by members of the Association. Miss Molly Harrington writes on psychiatric social work in a Borstal Institution, as a result of her experience at Polmont. She discusses the many special problems facing the worker in an institution of this kind.

FRANK DAWTRY: 'After-Care for Delinquents', *Social Service* (March-May), 1951, **24**, 173-5.

Mr. Dawtry follows on the article by Mr. Basil Henriques on the welfare of the ex-Approved School child in the previous issue with a discussion on the after-care of other groups. He emphasizes the vital need for more research, and also for the appointment of more social workers to deal with domestic difficulties at the earliest possible moment after the individual's removal from the community. He comments on the part played by the probation officer in this field, and concludes with some remarks on the place of the individual voluntary worker.

THORSTEN SELLIN: 'The Sociological Study of Criminality', *Journal of Criminal Law and Criminology* (November-December), 1950, **41**, 406-22.

This article is the report written by the author for the Second International Congress of Criminology at Paris in September, 1950. He argues first that the data about criminal behaviour provided by sociologists, psychologists, psychiatrists, etc., do not permit of synthesis into a theoretical whole at present. Each new technique of investigation designed for general purposes in a given discipline has been employed in criminological researches as well. Sociological research has not taken the same forms in all countries, and there is a real need for theories formulated in one country to be tested elsewhere. He concludes with a discussion on the sources of data for the sociologist's studies. The danger of basing research on biased samples and the need for more detailed studies of specific types of criminal conduct rather than on criminality in general, are emphasized.

J. C. S.

M. BACHET: 'Le Problème des Encéphaloses Criminogènes après le récent Congrès de Criminologie', *Annales Médico-Psychologiques* (November), 1950, No. 4. (Reprint, pp. 4.)

At the Biology Section of the Paris Congress, 1950, delegates from the different

countries were in agreement on the subject of criminogenic encephalosis. Professor Pende used the term diencephalosis. Professor Vujic (Belgrade) noted encephalitis 'fruste' or 'larvée' in a large number of delinquents. The author is impressed by the frequent association of enuresis with delinquency. Enuresis should be carefully looked for in the past history of delinquents. Hereditary factors play an important rôle.

M. SCHMIDEBERG: 'Just out of Prison.' Pamphlet of the Association for Psychiatric Treatment of Offenders. From *Focus* (January), 1951 (National Probation and Parole Association). Pp. 8, with biographical note.

This is the story of a parolee, just out of prison, who had served eight years for a series of hold-ups. Shortly after beginning treatment he got a job and was earning money which diminished his fear of starving and of being sent back to prison. He also went rather regularly with one girl. His case emphasizes the importance of treating criminals immediately after release from prison, for they are then in an abnormal state, unable to cope with freedom. Psychotherapy is the most effective help in adjusting and overcoming the psychological ill effects of prison.

M. SCHMIDEBERG: 'Short Analytic Therapy.' Reprint from *The Nervous Child*, 1950, pp. 10.

Ten per cent. of the population urgently need treatment. On the basis of eighteen months of psycho-analysis, at least 100,000 analysts would be required to meet the demand. The development of effective methods of shorter treatment would make psychotherapy more widely available. With delinquents, early improvement and partial results are most important because of the serious social consequences of their maladjustments. To succeed only to the point where they settle down socially, however unstable they may be otherwise, or just to keep them out of Court, is to render a service to the patient that will make a difference to his whole life and also benefit the community. Some patients can be cured in fifty sessions or less, with frequently permanent results. Those undergoing short therapy may still retain their conflicts, unconscious fixations and anxieties. The test should be whether they manage to get on reasonably well.

W. R. B.

RICHARD ARENS and FREDERICK W. KILLIAN: 'Use of Psychiatry in Soviet Criminal Proceedings, Part II', *Journal of Criminal Law and Criminology* (November-December), 1950, **41**, 423-34.

Soviet criminal procedure appears to have achieved an integration of psychiatric and judicial fact-finding functions. Psychiatrists are allowed wide scope in preliminary investigations as well as at the trial. Appointed by the Court, they are given full access to the files and other material. Throughout the trial they have to be present and are entitled to make their statements uninterrupted. While there is no direct evidence of the use of methods such as narco-analysis, this seems to be likely in view of certain moves by Soviet representatives at the Nuremberg Trial.

H. M.

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- J. CHAZAL: 'Psychopathologie et Délinquance juvénile' (Suite), *Enfant* (January-February), 1951, No. 1, 13-22. (Conclusion.)
- R. W. COLTHARP and G. H. WEBER: 'Problems in Treatment of Juvenile Delinquency at the Kansas Boys Industrial School', *Journal of the Kansas Medical Society* (January), 1951, **52**, 7-10. (Conclusion; reference.)
- BOURRET and L. THÉVENIN: 'Délits de vol chez les mineurs délinquants', *Annales de Médecine Légale et de Criminologie* (January-February), 1951, **31**, 26-31. (Thirty-eight references.)
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- G. DONALIES: 'Der straffällige Jugendliche in psychiatrischer Sicht', *Deutsche Gesundheitswesen* (March 1), 1951, **6**, 249-53. (Summary; 5 references.)
- L. JACKSON: 'Emotional Attitudes towards the Family of Normal, Neurotic and Delinquent Children. Part II', *British Journal of Psychology [General Section]* (December), 1950, **41**, 173-85. (General conclusions; 2 references.)

NOTES

THE PSYCHIATRIST AS WITNESS

The mental specialist, whether psychologist or psychiatrist, is increasingly found in the witness box in criminal trials giving evidence either for the prosecution or, more often, for the defence. These notes are principally concerned with the psychiatrist as witness for the defence, but most of the views herein expressed apply equally to the wider range of subject.

From the point of view of the criminal lawyer psychiatry is concerned with the diagnosis and cure of the mental abnormalities which have at least contributed to the crime with which some person has been charged. To the medical specialist it is a science to be studied at the level of principle, whereas the magistrate and advocate as such are only concerned with its possible assistance in the case before the court. It follows that the psychiatric witness must, if he is to put his knowledge to use, descend and willingly descend from the ivory tower of scholarly research and establish relations with those he is employed to serve. While he is in court he is the servant of the court in the administration of justice, and it is for him to render service in the most helpful way. There is wide scope for argument as to the type of evidence to be given and the best way of giving it, but any medical witness should at least take the trouble to enter the witness box in the right frame of mind.

As he is employed to assist a body of laymen in that most difficult task, the administration of justice to their fellow men, he must try to assist them at the level at which they need his help. He has not been asked to deliver a lecture, still less to show off his superior knowledge in words of six syllables from the Greek. Nor will he help the court, which may consist of men of at least his own intellectual calibre, by an ill-disguised contempt for their ignorance of his own speciality. His knowledge of the human mind may exceed theirs; their knowledge of how best to balance the conflicting interests of the individual and the community will certainly exceed his.

But assuming that the psychiatrist, bereft of conceit, enters the witness-box in

order to assist the court, how should he give his evidence? He should, in the first place, attempt to talk in simple English, for English in its ordinary usage is the language of our courts. He is not addressing a body of his colleagues, nor even such other doctors as may be sitting in court after giving evidence or waiting to give evidence for the other side. His duty is to help the court, not to show off, and still less to wrap himself in such a cocoon of parentheses as will enable him to face his colleagues with equanimity on some subsequent analysis of his evidence. Granted that translation into the vernacular must impair precision of expression; nevertheless, just as the doctor who speaks of injection of the conjunctivæ, when he means a bloodshot eye, will only irritate the court, so will the psychiatrist fail in his duty when he pours out a stream of technical terms in order to state that the offender is in his view mentally ill and in need of treatment. Such behaviour has helped to bring the whole science of psychiatry into popular disrepute, and in the particular case is a waste of the patient's money.

It is true that psychiatry is a rapidly growing science, with many different schools; that, like every science or craft, the law not excepted, it has its own technical terminology; and that an explanation for some criminal act may seem absurd to the court and yet be true; but the psychiatrist can still, if he makes the effort, explain his views in simple language, and so gain the ear and confidence of the court concerned.

The psychiatrist should find out, if possible before entering the witness box, what it is that the court wants to know. Apart from trials for murder, the issue of 'guilty but insane' is seldom raised, and in most cases the psychiatrist is called as a witness for the defence on a plea of guilty in order to persuade the court that the offender should be treated as being in fact, whatever his position in law, only partially responsible for the offence. In these circumstances what does the court want to know?

It may not want to know anything at all from a psychiatrist. The frank hostility still displayed to such evidence by judges and magistrates has many causes, reasonable and unreasonable, but it is a fact with which any witness may be faced. Assuming, however, that the court is willing to listen to the evidence offered, what does it want to know about the offender?

It wants a diagnosis, not in technical but in common terms. It wants to know in what way it is alleged that the offender's mind is abnormal in so far as the abnormality contributed to the crime. Then it wants prognosis. Is this mental illness or abnormal behaviour curable, and if so how long will it take before the offender can be relied upon not to offend again? What is the suggested alternative to imprisonment? It is, of course, for the defending advocate to put forward the scheme in general, and to plead for its adoption, but the witness must be prepared to describe the arrangements provisionally made for the proposed treatment.

When the witness has given his evidence in chief he may be closely questioned by the court. Was this abnormality of mind the real cause of the criminal conduct? Would not a sharp dose of punishment be the most effective cure, and if not, why not? If treatment is needed, will it not be available in prison? These and kindred questions must be answered carefully, all the more so in that they betray the latent and even patent unwillingness of any court, of high or low degree, to regard any offender as a patient rather than a criminal, lest too wide an extension of the new point of view should disturb the stability of society as a whole. For the witness must never forget that the court has to compromise in every decision

between the conflicting interests of the community and the particular offender, and for the witness to seem blind to this conflict may cause a reaction against his patient. The boy in the dock may be seriously neurotic, but why should respectable citizens by reason of that fact be robbed and assaulted with impunity?

Sooner or later the psychiatrist as witness will be faced with the unsolved problem of the offender-patient who is clearly in need of mental treatment but who, until treatment is substantially advanced, is quite unfit to be let loose again in society. Until some form of 'hospital-prison' is established, such unfortunates must either be sent to prison, whence they will probably emerge far worse than when they entered, or be bound over to enter for treatment some mental institution from which, if they wish to walk out, they may do so at will. To this recurrent difficulty the only solution which the writer can at the moment offer is to ask the court for the offender to be allowed one final chance to be cured, on the clear understanding that if he fails to avail himself of the opportunity, he must face, without complaint, the inevitable consequences.

In conclusion, the mental specialist must realize that the whole science of psychiatry is to-day on trial at the bar of English criminal procedure. It follows that every psychiatric witness will be regarded and examined as an 'exhibit' of his art. As the future of the treatment of crime lies, in the writer's opinion, to a large extent in the marriage of psychiatry and criminal procedure it follows, if this be right, that the psychiatrist must make every effort, so soon as he enters a court of law, to speed such a consummation upon terms agreeable to both parties.

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THE PROHIBITION IN WESTERN GERMANY OF THE ADMISSION OF EVIDENCE OBTAINED THROUGH NARCO-ANALYSIS

The '*Gesetz zur Wiederherstellung der Rechtseinheit auf dem Gebiet der Gerichtsverfassung, der bürgerlichen Rechtspflege, des Strafverfahrens und des Kostenrechtes*' (Law to restore the legal uniformity of the organization of the judicial system, civil procedure and criminal procedure) of September 12, 1950, became operative on October 1, 1950 (1). The purpose of this law is to restore legal uniformity in Western Germany. To this end all the new laws or amendments passed by the Nazi government from 1933-45 were closely examined and those involving violations of justice eliminated.

As a starting point the legislation as it existed before January 1, 1933, was accepted. Several alterations and additions were made and also some new principles were introduced. A very important reform is laid down in s. 136 (a) *Strafprozessordnung* (Code of Criminal Procedure) in which the use of narco-analysis, among other things, is forbidden. This is important because it shows that the Germans have learnt from the errors of the Nazi system and that they want to re-establish confidence in the administration of justice in general and in particular in fair treatment by the prosecution. In the time of the Nazis the power of the prosecution was increased in such a way that the suspect did not have a fair trial. The German legislator now wants to guarantee free action of will to both suspect and witness.

During the last few years much has been said about the admissibility of narco-analysis in legal courts (2). Narco-analysis has been considered in the courts of

France, Italy and Germany. The *Tribunal Correctionnel de la Seine* on February 23, 1949, carefully examined this problem (3). At this trial—the pentothaltrial—an accused person brought a charge against three experts. The latter, acting on behalf of the court, sought to prove, by posing a question to the accused when under influence of pentothal, that he was simulating. These experts were charged by the accused with ‘bodily injury’ and with ‘violation of professional secrecy’, as they had used injections and had informed the inquisitor about the results of their examination. The experts were acquitted by the *Tribunal correctionnel* of these special charges. This, however, did not mean that the French jurisdiction accepted the application of pentothal for obtaining legal evidence.¹ Narco-analysis has been applied in the U.S.A. on a large scale for therapeutic purposes, but only in a very limited number of criminal cases and then only if the suspect had given his consent (4).

The Minister of Justice of Württemberg-Baden, by official notice of May 7, 1949, and the Minister of Justice of Hessen, by official notice of October 8, 1949, forbade the use of drugs by the investigating and prosecuting authorities, even in cases where the suspect consents by free action of the will to the application of drugs.

The Minister of Justice of Bavaria, in his official notice of October 6, 1949, also banned the use of any drugs in criminal proceedings. He specifies the measures allowed in order to obtain evidence (taking of fingerprints, measurements, blood-tests, pictures; Röntgen examination, psychiatric examination). He forbids any medical treatment which sets out to alter the psychical condition of the suspect, such as shock-treatment, eunarcon and evipan injections, luminal treatment and hypnotic influence.

The German *Oberlandesgericht* (Court of Criminal Appeal) in Hamm went still further in a judgment on March 23, 1950. In this judgment the use of narco-analysis is considered forbidden and all the evidence obtained with the help of a truth-serum or hypnosis as of no value in legal investigation. The judge is not even allowed to draw favourable conclusions—on request of the suspect—from the failure of this experiment (i.e. keeping silent or absence of a confession after application of drugs) (5). In the same sense the *Cour de Cassation* of Rome has rejected the request of an accused person to be subjected to narco-analysis in order to establish his innocence (6).

Finally, at the Third International Conference of the International Bar Association in July, 1950, two resolutions on this subject were accepted unanimously: ‘This house will under no circumstance contemplate the use of narco-analysis in judicial proceedings.’ ‘Any information obtained by narco-analysis should be inadmissible in court’ (7). The same principle was considered to be applicable to the use of lie-detectors.

The new German legislation removes now the last doubt about this question in Germany and has forbidden categorically every use of narco-analysis in criminal proceedings in s. 136 (a) *Strafprozessordnung*:

‘(1) The freedom of self-determination and of voluntary decision of the

¹ On March 22, 1949, the *Académie de Médecine* in Paris unanimously adopted a resolution against the application of narco-analysis in criminal proceedings. It rejected by a large majority a resolution to the effect that narco-analysis could be used to facilitate medical diagnosis at the request of the defendant and his lawyer (*Revue de Droit Pénal*, 1948–49, p. 880, as cited by van Saher (p. 13, *op. cit.*). Also J. Graven, p. 15.)

suspect may not be influenced by ill-treatment, by fatigue, by physical interference, by administration of medicines, by tormenting, by deception or hypnosis. Coercion may only be used as far as permitted in the Code of Criminal Procedure.² A threat of measures not permitted by the Code or a promise of an advantage not legally justified is forbidden.

'(2) Measures which influence the memory or the ability to form an opinion are forbidden.

'(3) The prohibitions in (1) and (2) are valid regardless of the consent of the suspect. The use of statements made in defiance of this prohibition is not permitted even if the suspect should give his consent.'

According to s. 69, ss. 3, the provision of s. 136 applies also to witnesses.

Germany is the second country in Europe³ to give effect to this principle in its legislation. In 1942 the Swedish parliament laid down similar provisions in a section of its new code on judicial proceedings (*Rättegång Balk*, K. 23, para. 12), published on July 18, 1942, in *Svensk Författningssamling*, 1942, No. 740, which became operative on January 1, 1948:

'During a hearing, it is not admissible to employ promises or delusions with false hope for special advantages, threats, coercion, fatigue or other disagreeable measures, in order to obtain a confession or statement leading in the desired direction. It is not permitted to hinder the person who is questioned from having normal meals or resting in the necessary way.'

It is doubtless a good sign that Germany tries in this manner to make up for the violation of justice perpetrated under the Nazi government.

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- (3) *Revue pénale suisse*, 1949, No. 2, p. 235. *Gazette du Palais*, Paris, March 23-25, 1949 (complete text of the verdict).
- (4) VAN SAHER, p. 12, *op. cit.*
- (5) *Oberlandesgericht Hamm*, March 23, 1950—2 Ss 108 50. *Deutsche Rechtszeitung*, 1950, p. 212.
- (6) M. JACOMELLA: 'La torture, la science, le crime', as cited by J. Graven, pp. 23 and 41, *op. cit.*
- (7) Topic No. XIV, c and d.

² Preliminary arrest or detention is allowed (s. 112 *Strafprozessordnung*). So is taking blood-tests under medical supervision (s. 81); taking photographs of suspects (s. 81 (b)); and physical examination (s. 81 (c)).

³ Chinese Code of Criminal Proceedings of July 1, 1935, Article 98: An accused shall be frankly examined, but no violence, threats, inducements, fraud or other improper means shall be employed.

REPORT ON VOCATIONAL GUIDANCE AND DELINQUENCY ¹

1. *Introduction*

The International Labour Office issued in 1949 a Recommendation formulating the essentials of Vocational Guidance as required in all countries. This Recommendation included a reference to the necessity of giving especial attention to the development of appropriate arrangements for the Vocational Guidance of young persons 'who manifest personality disorders of such nature as to prevent or make specially difficult their vocational adjustment'. Arising out of this the International Labour Organization issued a questionnaire with particular reference to the Vocational Guidance services related to the prevention and treatment of juvenile delinquency. Replies were received from fourteen countries and have been used in the body of this Report, 'Vocational Guidance and Delinquency'.

2. *Delinquency as a Labour Problem*

The Report considers that as well as being extremely grave from the social point of view, delinquency is a very serious problem from the 'strictly labour' aspect. It holds that the young delinquent is 'essentially a person who has got off to a bad start and his equipment in the shape of education, training and working habits is likely to be poor'. His working career may be upset to such an extent that he is incapable of becoming a self-supporting worker and is a burden upon society. The Report at this stage, although sound from the labour point of view, shows what some would consider to be misconceptions concerning the probable aetiology of delinquency. Upon the point of view that the reader takes over this controversy will depend the extent of his confidence in the Report's hope that Vocational and Educational Guidance can 'provide an answer to these problems'.

The Report maintains that in favourable circumstances the young probationer may receive and be put into touch with excellent help concerning his future career. However the child placed in an institution is often in a less fortunate position. 'First of all he has a dual problem of adjustment, both to the institution and then to liberty. The type and amount of education he is given depends, as a rule, not on his own character and activities but on what is available within the framework of the detention system. If committed for a long enough time he may be taught a trade but the range and adequacy of training is limited by shortages of equipment and of instructors and by avoidance of unfair competition with outside industries, so that the likelihood of its being the most suitable trade for him personally is not very great; nor is the likelihood very great of its being in a branch of industry where a shortage of manpower promises certain employment. He may, once released, find it difficult, in view of shortage of employment or of his past record, to obtain the passport of Trades Union Membership.'

Pungently summing up the obstacles of a strictly labour nature which society places in the way of the reformed delinquent, the Report considers that these, in themselves, would be sufficient to account for many re-appearances in the dock; indeed, it considers that maintaining juvenile courts and providing the expensive paraphernalia of residential treatment would be little better than

¹ Report issued by the International Labour Office to the United Nations in May, 1950.

a doubtful luxury if they were not accompanied and followed by 'the twin processes of Vocational Guidance and Vocational Training.'

3. *Vocational Guidance and the Prevention of Delinquency*

Some of the difficulties which obstruct the full application of Vocational and pre-Vocational Guidance to delinquency problems are here considered by the Report.

'At present there is little link between labour authorities and juvenile delinquency, and people dealing with juvenile delinquents are often out of touch with labour problems and concerns. This could be changed by people in charge of institutions and probation officers being given practical experience of the scope of the Vocational Guidance service. Many problems which apply to all young people are greatly increased when juvenile delinquents are concerned. There should be more co-operation between probation officers and Vocational Guidance officers as in some cases overlapping occurs, as well as the fact that the Vocational Guidance service has reliable information which should be made as much use of as possible.'

The Report considers that in many cases it would be advantageous to avoid the stigma of an appearance in court. For such problems as the bad school or work situation, Educational and Vocational Guidance counsellors might be able to give valuable out of court help. Pursuing this the Report gives special attention to the valuable experience and understanding of the problem of absenteeism gained in this country during the war.

Unemployment also holds dangers for youth similar to those of absenteeism, and Vocational Guidance can at least partly assist the young person to remain fully employed by helping him to avoid the blind alley job and by giving him reliable information concerning the labour demands.

Vocational Guidance can also prevent the child from aiming too high or too low and in some cases can mitigate the influence of those parents and others whose advice to their children is influenced rather by their 'own inner conflicts', than by the facts of the situation. Special knowledge of economic and labour factors forms an essential part of the Vocational Guidance officer's equipment and it is unlikely that a parent or teacher would have a sufficiently wide and detailed knowledge of these factors to be able fully to take them into consideration when advising the young person on his occupational choice. Vocational Guidance therefore, the Report concludes, is generally a job for the specialist.

The Report might well have added here a word of warning to the specialist and have urged upon him the necessity of working for the parents' full co-operation: for the Vocational Guidance officer must be very wary of giving advice which is in opposition to the parents' desires. An unsuitable occupation may be a lesser evil and a less powerful precipitant into delinquency than the conflict and tension in the home of the young person who is following an occupation in the face of his parents' wishes—particularly if these wishes are indeed influenced by the parents' 'own inner conflicts'.

4. *Vocational Guidance and Training for Delinquents Committed to Institutions*

This section of the Report is of particularly great interest and value. In surveying the advantages and disadvantages of Vocational Training the Report says:

‘ In some cases the institutions have certain advantages over ordinary technical schools in that, existing as a semi-self-supporting community, it is possible for an institution to give actual on-the-job practice without complaint of unfair competition from ordinary industry. This very fact has, however, tended to limit the number of trades taught. Young people can mend each other’s shoes, make each other’s clothes, grow their own food, do carpentry and so forth, but the range is limited. The problem of competition has, however, to be faced in all Vocational Training systems. It can be and has been overcome by agreements with industry, by combination of on-the-job training and formal training, and if many young ex-delinquents are not to be handicapped in after life, through inadequate or inappropriate training, the institutions responsible for them must participate in such agreements.’

Much improvement could be made by transforming the rigidly isolated reformatory into a training school which formed ‘ an integral part of the community and total child welfare programme ’. To give each young person the opportunity of acquiring a recognized standard of Vocational Training in one of a wide range of occupations, would be impossible for the isolated type of institution in view of the prohibitive expense of providing and maintaining an adequate variety of modern technical equipment and competent instructors.

Progress in this direction would be well worth while even if it were valuable only from the vocational point of view, but, by relaxing the rigid regulations of the closed institution and allowing it more nearly to resemble a hostel or method of supervised liberty, a great deal may also be achieved to facilitate the social adjustment of the former delinquent and to prepare him for self-responsibility. In a Training School of the U.S.A. the older girls ‘ work in a job in the community for several weeks prior to leaving the school. This permits the girls to acquire realistic working experience and experience in handling and budgeting money. They are able to earn money to buy the additional clothing they will require when they leave and save enough to carry them over for a week or two following employment. This scheme has the advantage of making it possible for the school to evaluate the girl’s ability to manage her own affairs.’ In some schools discussion groups are held for boys in the last few months of their stay and problems of entry into work and of re-adjustment into their home community are discussed. A rural institution in the States set up a small cottage dormitory, in a large neighbouring city, for those boys who needed a richer academic education than could otherwise be provided and also for those who needed an intermediate step between school and the outside world.

The integration of the institution with the community, the wider opportunities for outside Vocational Training and work experience and the preparation of the young person for leaving the institution are all warmly to be welcomed wherever possible. It is, however, greatly to be hoped that the ‘ hostel ’ type of Training School recommended by the Report would not neglect to maintain the highly beneficial advantages of the better type of old ‘ isolated reformatories ’; namely the intimate community life and the possibility of a close personal relationship with a friendly member of the staff who really knows and understands his charges. It is regrettable that the Report shows no recognition of this aspect of the value of institutional care of delinquents.

The Report by no means neglects the importance of general education, which it considers necessary ‘ for the proper absorption of Vocational Training ’. Most

of the Vocational Training projects and schemes for realistic working experience are of a part-time nature and are supplemented by general education.

The Report firmly states that 'it is desirable that Vocational Training for a specific occupation should not be started at too early an age'. The work of a Venezuelan Institute is described as an example of carefully planned pre-vocational experience for delinquent children aged nine to twelve years. In this Institute 'there is no arbitrary decision as to their future occupation'. After a full investigation of the child's family and economic background, educational attainments and psychological and physical condition, the general direction of instruction is selected. This aims to give him 'habits of work, an acquaintance with materials and elementary skills and so put him in a position to make a more reasoned choice when he reaches a suitable age'.

5. Vocational Guidance Systems

This section of the Report is devoted to detailed descriptions of the scope and nature of the guidance programmes of many different countries.

6. Conclusions

This final section of the Report, containing its conclusions and statement of principles, deserves most careful consideration. Among those points from the various national Vocational Guidance programmes which are considered to be the most important in connection with juvenile delinquency, are the knowledge and experience gained of the problems of transition from school to work, and the links developed between the various social agencies and Vocational Guidance services. The Report considers that the task of making special provision of Vocational Guidance for juvenile delinquents is beyond the scope of the Vocational Guidance department and that the authorities 'whose province is delinquency must themselves help to establish various practical forms of co-operation and special service'.

In pointing out the way in which Vocational Guidance may be introduced into the procedure of juvenile courts, probation, detention and release, the Report shows that there is a glaring lack of co-operation between the court and the Vocational Guidance service. The youth employment officer could often give the court valuable information concerning the occupational history of the delinquent and could gain further understanding of the youth if he were permitted to have access to some of the court's data concerning his background.

In urging this co-operation between the Vocational Guidance and the Delinquency services, the Report brings to our notice what is probably one of the weakest aspects of our entire service for the prevention and treatment of delinquency. 'In areas where there is already a Vocational Guidance or juvenile employment service functioning, a Vocational Guidance official attached to the court could obtain much assistance from it, in particular the necessary up-to-date information about occupations and employment and training opportunities. His essential function would, however, be to apply Vocational Guidance in the particular circumstances of delinquency.'

This constructive proposal deserves active support, and perhaps it is not too much to hope that, in this country, those working in the field of delinquency, and those working in the field of Vocational Guidance, might meet together to give it their combined consideration.

In the statement of principles the Report details the contribution Vocational Guidance could make at different stages of the treatment of delinquency.

1. *Out of Court*

'If a young person gets into trouble through antisocial conduct, but it is nevertheless considered possible and desirable to avoid a charge, the attention given to such a young person's reclamation and welfare should include Vocational Guidance.'

2. *In Court*

'When a young person is charged in Court and convicted, the results of some form of Vocational Guidance examination should be among the factors taken into account in determining whether to place him on probation or commit him to an institution. If the latter course be adopted, the institution chosen should, where possible, be one providing the type of training which the results of this examination indicate to be the most suitable for the individual concerned.' The Report here overlooks that, in choosing the institution best suited to the young delinquent, many requirements must be taken into consideration besides those of opportunity for suitable Vocational Training. Indeed, if the choice of institution is not primarily based upon the delinquent's needs in the social and emotional spheres of his development, he may be quite unready to benefit from even the best suited and most efficient programme of Vocational Guidance and Training. Clearly, in the case of the maladjusted delinquent, psychological considerations must form the guiding principle in selecting an institution. In the cases of young people who show little outward psychological disturbance the recommendations of the Vocational Guidance officer would be based upon firmer ground, but even so they might on some occasions conflict with the recommendations of the psychologist, and the classifying centre would have a difficult task in evaluating and balancing these differing opinions. If the institutions were less isolated and made use of outside working and training facilities (as previously suggested), thus being able to provide a variety of Vocational opportunities, this difficulty would be largely overcome; the young person could be sent to the school which best suited his psychological needs, together with a recommendation from the Vocational Guidance examiner concerning the type of training and work with which he should be provided.

3. *Probation*

'Probation should include investigation of a young person's vocational plans and/or experience and good advice regarding them, both because of the beneficial effect of a sense of direction and purpose, and because it may subsequently help in finding and keeping a suitable job.' Special attention needs to be given in this country to extending the co-operation between the probation officer and the youth employment officer.

4. *In the Reformatory*

'If a young person is detained in an institution during the years when it is normal to be learning a trade or study with a view to a profession, the authorities responsible for his detention should enable him to obtain the instruction most

conducive to the full development of his capabilities and to his subsequent employment and vocational adjustment.' Concerning this Vocational Training in the institution the Report recommends the following points: (1) Vocational Guidance to be provided by the institution; if necessary, in the light of such guidance, transference to another institution or properly safeguarded opportunities for attendance at outside courses should be effected. (2) Consultation should periodically take place between the institution and employers, unions, etc., in order that the Vocational Training provided shall keep in relation to the manpower needs of different trades and industries. (3) Recognized qualifications or certificates should be available for those reaching certain standards in their trades. 'This should be drafted in such a form so as not to hinder the young person in his subsequent career.' (4) Where through unavoidable causes the training given is incomplete, the young person should be able to enter appropriate arrangements for a properly co-ordinated scheme for continued training.

5. Leaving the Reformatory

Prior to, and at the time of, a young person's departure from an institution, he should be given Vocational Guidance. This should include, as a minimum, Vocational Guidance as defined and described in Recommendation No. 87 of the International Labour Conference. Where this Guidance is not given by a public Vocational Guidance or Employment service, but such services do exist, collaboration should be established with the responsible authorities and with the local agencies through which they function.

6. After Care

After Care should include Vocational Supervision until 'satisfactory adjustment to work has been achieved'. The responsibility for this should lie with the authorities concerned with delinquents although the actual supervision might, by arrangement, be entrusted to an appropriate body such as the Vocational Guidance or Youth Employment service. It might here be remarked that in this country, there is as great a need for co-operation between the After Care officer and the Youth Employment officer as there is for co-operation between the Probation officer and the Youth Employment officer.

Fundamental Considerations

The fundamental considerations which are given in the conclusion of the Report as the basis of its statement of principles are as follows:

'(1) Delinquency is a form of maladjustment to society; (2) Vocational adjustment is a vital factor in adjustment to society; and (3) Vocational adjustment can be facilitated by Vocational Guidance and Vocational Training. Therefore full use ought to be made of these methods in the prevention and treatment of juvenile delinquency.'

Furthermore, in considering Vocational Guidance as a method of prevention of delinquency the Report states that Vocational Guidance should be effected as rapidly as possible 'as a deliberate measure to combat juvenile delinquency.'

The Report usually skilfully avoids taking sides in the controversies concerning the causes of juvenile delinquency. However, it is impossible to consider a method of prevention and treatment of juvenile delinquency without making certain

assumptions as to its causes. These assumptions, although never openly expressed, seem to be implicit in many parts of the Report. This will be particularly striking to those who consider that delinquency has its causes in the factors which influence the early development of the child, and who look upon school and work situations as comparatively superficial and uninfluential aspects of environment. From this point of view they will be inclined to doubt whether Vocational Guidance and Vocational Training are the key to the solution of the problem of adolescent delinquency.

At one point the Report states: 'Just as truancy or absenteeism and instability in employment are a fruitful ground for delinquency, so stability in employment and the satisfaction in work which it connotes are unlikely to be met with in juvenile delinquents. Vocational Guidance has a positive contribution to make towards such stability and satisfaction.'

The Report, however, fails to realise that many youths who are potentially or in fact juvenile delinquents are unlikely to be able to profit from Vocational Guidance. 'Stability of employment and satisfaction in work' are not just methods by which the juvenile delinquent may be socially adapted, they are among the final and most optimistic of the aims of those who work with juvenile delinquents; they are more probably the result and not the cause of social adaptation. Many Youth Employment officers will be able to recall instances where they have put the best of their skill in Vocational Guidance at the disposal of the juvenile delinquents, only to find that the youth is unable to profit by his placement even in ideally suitable employment.

The realization of these fundamental limitations of Vocational Guidance as applied to young delinquents, in no way detracts from the value of the Report's suggestions for augmenting the existing delinquency services with broad schemes of Vocational Guidance and Vocational Training. These seem to be particularly valuable as a means of minimising the obstacles which handicap the youth in making a smooth transition from the institution to adaptation in the world of work.

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THE REHABILITATION OF THE PRISONER

The rehabilitation of the prisoner was discussed at a London Conference organized by the Howard League on March 10, 1951—and it is significant that the phrase 'rehabilitation' replaced in this connection the older phrases 'after-care' and 'prisoners' aid'. The old conception of a little help on discharge, and the later conception of after-care recognized in the Criminal Justice Act, 1948, as a necessary complement of prison training, are both now inadequate. Prison training and treatment—and it is not suggested that these are nearly adequate—will in most cases be useless if they are not allied to social and welfare work designed to complete the restoration of the prisoner to a full and normal life.

Miss Dorothy Keeling, for many years a visiting magistrate at Liverpool prison, proposed the appointment of full-time trained social workers in prison, whose duty it should be to keep in touch with the families of prisoners, to sort out background problems and to link the home and the prisoner on his return there with outside social agencies. She thought such workers should be members of the prison staff as the voluntary agencies now working in prison do not seem

able to undertake the necessary work and lack trained workers. Mr. Gilbert Hair, Governor of Manchester Prison, supported all Miss Keeling said about the need for the work suggested, but he did not want the social worker to be a member of the prison staff under orders or directions from the Governor. He thought the work could be done by reorganization of the D.P.A. Societies. The discussion centred on this point and the Chairman (Mr. Lionel Fox, Chairman of the Prison Commission) accepted an amendment to the resolution moved by Miss Keeling to provide that full-time social workers be attached to each prison but to omit the suggestion that they be members of the prison staffs. This amendment was carried by a substantial majority.

The Conference went on to discuss recent developments in after-care work. The Rev. M. W. Pinker, Director of Men's After-Care in the Central After-Care Association, outlined the work now being done in preparation for the assistance of prisoners returning from corrective training or preventive detention, and others for whom after-care and supervision are now provided under the 1948 Act. He said that members of his staff visited sixteen different establishments, but in the light of the earlier discussion he was asked why full-time workers could not be attached to those centres. The answer appears to lie with the Treasury. But a full-time worker from one of the prison camps joined in the discussion to underline the advantages of his position. Frank Dawtry drew a picture of possible developments of after-care by the merging of this with other rehabilitation work already being done 'in the open' by the probation service, beginning with a close link at the prison with social workers inside the institutions, and concluding with a link in the towns and villages with people of good will who would befriend a returning prisoner or Borstal boy. A most constructive contribution was made by Colonel R. A. C. Radcliffe, who spoke from the angle of industrial welfare. He pleaded for research into and care in the successful placing in industry of those returning from prison sentences. He urged the need for close contact between probation officers and employers and for mutual understanding of the problems both of the employer and the prisoner as a basis for complete rehabilitation in industry. And rehabilitation in industry is the key to rehabilitation in society.

FRANK DAWTRY.

PROBATION AND SUSPENDED SENTENCE

In *Probation* (The Journal of the National Association of Probation Officers), Vol. 6, No. 8, of March-April, 1951, Sir Leo Page writes again in support of the 'suspended sentence'. What he advocates is not the simple adoption of the French or any other Continental system, but something more elastic and more closely connected with supervision on the lines of probation proper. He also makes it clear that his scheme is in no way intended to supersede the probation system, but only to take its place in certain carefully selected cases where a measure more deterrent than probation and more constructive than a fine or conditional discharge is needed. Although there is considerable force in some of Sir Leo's arguments, the matter is perhaps more complicated and the ultimate consequences of his proposals may be more far-reaching than he seems to envisage. Even with all the improvements which he suggests two principal arguments against the suspended sentence remain so far unrefuted: first, the stigma and loss of self-respect which a prison sentence may carry with it even if it is eventually not carried

out and treated as 'non avenue' in the language of Franco-Belgian law; and secondly, the danger that, once it is introduced, the suspended sentence might tend more and more to displace probation proper.

In this connection, it may not be out of place to draw attention to one of the most detailed and penetrating comparative studies made in this field: M. Marc Ancel's admirable general report on '*Le régime de la mise à l'épreuve*', written for the Third International Congress of International Law, London, 1950, and published in an enlarged form in the *Revue internationale de droit comparé* (Vol. II, No. 3, July-September, 1950). Of the many important points made in this report only the following may be mentioned: first, the strong attraction which the Anglo-American probation system has for Continental countries; secondly, the many successful attempts made by the latter to assimilate their system of *condemnation conditionnelle* to the probation system, especially as '*liberté surveillée pour les mineurs*' (French Juvenile Court Act of 1945), but in some instances also for adults; thirdly, the much greater difficulties which the Continental system, as compared with probation, places in the way of rehabilitation even in cases where the offender completes his probationary period successfully.

On the other hand, it has to be admitted that in the U.S.A. probation and suspended sentence seem to be working well side by side and that one should welcome whatever addition can safely be made to the present range of measures open to the Courts in dealing with offenders. Clearly, this is a subject which deserves further discussion and careful study.¹

H. M.

SHORT NOTES ON RECENT REPORTS AND PERIODICALS

In the March, 1951, issue of the Belgian monthly *Revue de droit pénal et de criminologie* (Vol. 31, No. 6), M. Jean Dupréel, *directeur général de l'Administration pénitentiaire*, traces the development of Belgian prison architecture from the days of Edouard Ducpétiaux, one of the great protagonists of solitary confinement more than a century ago, to modern times, and he shows how far Belgium has since moved away from that idea. Similarly to the position in this country, there are three principal types of prisons: (a) the cellular prison, (b) the prison camp, and (c) the open institution—i.e. maximum, medium and minimum security establishments. Attention is drawn to the Prison-School at Hoogstraaten, which still preserves some of the features of the medium security institution, and the more modern and entirely open one at Marneffe.

The same subject—the differences not only in architecture but also in methods of treatment between Hoogstraaten and Marneffe—is further developed by M. van Helmont, *Inspecteur général des prisons*, in the October-December, 1951, issue of the *Revue de Criminologie et de Police technique* (Vol. IV, No. 4), edited by Professor Jean Graven at Geneva. In the same number, Professor J. Vernet gives a searching psychological analysis of the '*fausse personnalité des jeunes détenus*', based on his experiences at the Classifying Centre at the prison of Fresnes, near Paris. Professor Marcel Waline discusses the criminological

¹ The Legal Committee of the Magistrates' Association has recently, by a majority vote, approved in principle of the suspended sentence (*The Magistrate*, January-February, 1951, p. 99).

problems of the Gypsies, and the editor draws attention to a similar study on the 'Tiroler Karrner', published in 1950 by M. Armand Mergen.

* * *

The Prison Administration of the Netherlands, under its energetic and enterprising Director-General, Dr. E. A. M. Lamers, has published a special issue, in Dutch, French and English, of its new monthly journal, the *Maandschrift voor het Gevangeniswezen* (Vol. II, No. 4) in honour of the Twelfth I.P.P.C. Congress, The Hague, 1950. The issue gives useful information on recent developments such as the establishment of a 'Study and Documentation Centre' of the Prison Administration, with the object of placing on record all that has been achieved in this field at home and abroad; and of the Psychiatric Observation Clinic at Utrecht (see this *Journal*, Vol. I, p. 60).

* * *

Mlle. Julia Tuerlinckx, social worker at the Prison of Louvain, Belgium, was sent to Great Britain in 1949 under the auspices of the European Office of the United Nations to study the British Probation system. In a small book, 'Aperçu de Probation dans le Royaume-Uni' (Imprimerie Administrative, Louvain, 76 pp.), she gives an excellent account of probation work in this country, comparing it with the Belgian system of *condemnation conditionnelle*, and with special emphasis on the training system for probation officers. Her conclusion is: '... la méthode anglaise est incontestablement supérieure parce qu'elle tient compte dans une mesure plus large de la valeur humaine du candidat et des besoins spécifiques de la profession' (p. 73).

* * *

POINTS FROM LOCAL PROBATION COMMITTEE OR JUVENILE COURT REPORTS

The Portsmouth Juvenile Court Report for 1949-50 shows a decline in the number of indictable and a considerable rise of non-indictable offences, mainly of wilful damage to property. Owing to increased demands upon the services of the psychiatrist, the Court was obliged to limit its requests for psychiatric reports which have for many years been a particularly valuable feature of the Portsmouth Juvenile Court. Nevertheless, such reports were available in 207 cases; they revealed a remarkable reduction in the proportion of mentally sub-normal juveniles from 34 per cent. to 62 per cent. in previous years to 13.5 per cent. of those examined. The lack of appropriate educational facilities for such handicapped children and the resulting need to send some of them to Approved Schools is criticized.

The Liverpool Probation Committee reports 83.25 per cent. success for its probationers (juvenile and adult) during the period of supervision. It also makes some interesting comments on the extension of after-care duties of probation officers under the Criminal Justice Act, 1948, which for Liverpool entails the supervision of about 300 persons of seventeen years and over, 'the majority of whom have more experience in crime than those normally placed on probation'.

At the Bristol Juvenile Court, 230 children were examined by the educational psychologist, and some of them also by the psychiatrist. Intelligence tests showed that 60.4 per cent. of the children were of superior or normal intelligence as against 42 per cent. in 1944-45 and 37 per cent. in 1945-46—a similar improvement to that found at Portsmouth.

The Senior Probation Officer of the Lancashire No. 9 Combined Probation Service comments on the technical difficulties of home visiting in a large district: 'While the size of the area adds greatly to the interest of the work by presenting contrasting conditions and problems it also presents difficulties of organization. . . .'

For the Colony of Mauritius where the Probation Service came into being only in 1947, the Report for 1949 shows already considerable activity and progress. Owing to the bad home conditions of many juvenile offenders, it was still necessary, however, to send a high proportion to the Industrial School (74, against 120 placed on probation), and the establishment of Probation Hostels is recommended. Birching was given up and the use of fines declined as soon as probation became available.

The *Lancet* of January 13, 1951, published an attractive account of the work of the famous Cotswold Approved School, managed by the London Police Court Mission, under its Headmaster, Mr. C. A. Joyce.

In the Second Annual Report for the year 1950 of the Reading Romilly Association the principal aims of this new but very lively body are shown to be to ascertain the extent of crime in the Borough, its causes and the loss and suffering due to it, and to promote penal reform and the rehabilitation of prisoners through active co-operation of all those concerned.

H. M.

* * *

The following three important Reports which have recently been published will be fully discussed in one of our next issues:

The '*Report of the Royal Commission on Betting, Lotteries and Gaming, 1949-1951.*' (H.M.S.O., Cmd. 8190, March, 1951, price 4s. 6d.)

The '*Report of the United Nations, Department of Social Affairs, on Probation and Related Measures.*' (New York, 1951. Obtainable from H.M.S.O., London.)

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CONTRIBUTORS TO THIS NUMBER

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